

ORDINANCE NO. 2890

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31, ARTICLE VII, SECTION 31-568 ENTITLED "LOCATION OF OFF-STREET PARKING SPACES", AND ADDING SECTION 31-580 ENTITLED "OFF-SITE VALET PARKING", TO THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, businesses within the town of Palm Beach Shores require additional off-site parking; and

WHEREAS, the creation of off-site valet parking regulations will allow the City to effectively control and regulate the valet parking arrangements within the City Limits; and

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

Section 1. Article VII, Section 31-568 of the City of Riviera Beach Code of Ordinances is hereby amended.

Sec. 31-568. Location of Off-Street Parking Spaces.

Except as otherwise prohibited in this chapter, all parking spaces shall be located on the same lot or parcel of land as the building or use served, or, with the exception of the requirements in Section 31-580, Off-site Valet Parking Spaces may be provided, or, subject to site plan review, within 300 feet from the building or use served, measured along lines of the shortest pedestrian route, provided the zoning classification of the parking lot land allows the use (as a permitted use or by special exception) to be served by the parking lot. No off-site parking shall be allowed if the pedestrian route must cross any federal or state highway.

Section 2. The City of Riviera Beach Code of Ordinances is amended to include Section 31-580 entitled "Off-site Valet Parking Requirements":

Sec. 31-580. Off-site Valet Parking.

(a) Off-site valet parking may be allowed by petition to the City of Riviera Beach City Council from a business that is located within the Town of

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Palm Beach Shores limits, who is requesting to use an existing parking facility within the City of Riviera Beach.

- (b) Off-site valet parking may be allowed only in nonresidential zoning districts and only when it is not practical to provide required parking on-site. The applicant is required to demonstrate that special circumstances exist which limit the number of on site parking spaces.
- (c) Off-site parking shall be provided only on existing parking lots within the City of Riviera Beach, which have parking spaces that are not in use during the determined time of valet use, and can be reserved for such purposes.
- (d) The approval of off-site valet parking shall be through a joint agreement by a business located within the Town of Palm Beach Shores and the business or property owner of the offsite parking lot located within the City of Riviera Beach. The City of Riviera Beach's public parking lots may not be used for off-site valet parking.
- (e) All requests for off-site valet parking shall be considered for approval by the City Council, after receiving an advisory recommendation from the Planning and Zoning Board.
- (f) Approved off-site valet parking agreements are required to be renewed by the City Council annually. Application for renewal will be considered for approval by the City Council. The granting of off-site valet parking shall be construed as a privilege subject to modification or termination by the City Council each year at renewal time, and no person may reasonably rely on a continuation of that privilege. The City Council reserves the right to revoke the joint parking agreement at any time.
- (g) The off-site valet parking application fee shall be \$1200.00 for each request and \$1000.00 for annual renewal.
- (h) If, prior to renewal time, the City Manager determines that the business has either violated a condition of renewal or is operating in a manner harmful to the public health, safety or welfare based upon the criteria specified in this section, the City Manager may place on the City Council agenda the matter of revoking the joint parking agreement.
- (i) The specific criteria for City Council consideration in making the decision to grant or deny off-site valet parking are as follows:

1. Off-site parking. The amount of off-site parking in

relation to demands created by the business wanting to use property in the City for additional parking; the adverse impact on adjacent residential areas of any illegal or hazardous parking.

2. Law enforcement activities. The amount and degree of law enforcement activities generated by operating the off-site valet parking business.
3. Effect on neighboring properties. The adverse effects, if any, that the off-site valet parking will have on neighboring properties, especially with respect to the effects of noise, parking and glare from headlights on nearby residential properties.
4. Noise. Such approvals shall be granted only to those businesses that will not disturb the peace and quiet of the surrounding neighborhood.
5. Vehicle Route: The business requesting to use properties within the City for off-site valet parking must provide a detailed vehicle route that will not create hazardous conditions to neighboring properties or to the City's residents.

(i) The owner or owners of record of a property for which joint valet parking is requested shall be responsible for preparing a written agreement between the owner or owners of the parking areas to be used indicating the terms under which the joint parking shall be used. The agreement shall be approved by the City Attorney before final approval is given by the City Council and the agreement shall include the following:

- (1) A list of the names and ownership interest of all parties to the agreement and contain the signature of those parties.
- (2) A site plan showing the area of proposed parking and the proposed vehicle route.
- (3) A description of the area of joint parking, specifically reserving the area for such use and leaving it unencumbered by any conditions which would interfere with that use.
- (4) A demonstration as to how the joint parking arrangement will not negatively affect residential property in the area.

(k) Any changes in uses or other conditions must be reviewed and approved by the City Council. The applicant shall:

(1) Submit new joint parking use parameters, and an application to officially amend the agreement approval for the property, as appropriate; or

(2) Revise or nullify the joint parking agreement, as appropriate.

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.

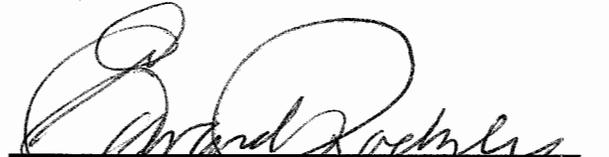
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PASSED and APPROVED on First Reading this 20th day of
December, 2000.

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

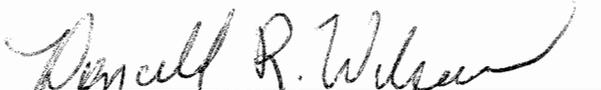
APPROVED:


MICHAEL D. BROWN, MAYOR

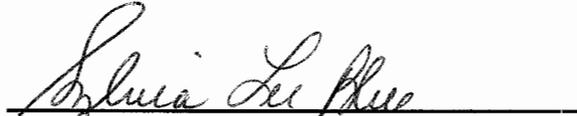

EDWARD RODGERS, CHAIRPERSON


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

MOTIONED BY
SECONDED BY

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

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

REVIEWED AS TO LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE 12/29/00

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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.

Date

Carrie E. Ward, CMC/AAE, City Clerk

CD/SE/OFFSITEPARKING/DEC 8, 2000

ORDINANCE NO. 2891

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM PROSOURCE BUILDING LTD., WITH LAND LOCATED IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTAINING 1.73 ACRES, LYING ON THE NORTH EAST CORNER OF WESTROADS DRIVE AND WHITE DRIVE, 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; AND 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 with 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, 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 Chapter 171, Florida Statutes, the City of Riviera Beach, 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

ProSource Building Limited

Property Control Number: 00-42-42-36-003-0014

Section 2. This ordinance shall be read by Title on first reading, and shall be published in its entirety 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 annexation shall become effective.

Section 3. Within seven (7) 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 description of the subject property.

THE SOUTH 250 FEET OF TRACT D, NO. 2
WESTROADS BUSINESS AND INDUSTRIAL PARK,
ACCORDING TO PLAT THEREOF AS RECORDED
IN PLAT BOOK 29, PAGE 193, PUBLIC RECORDS OF
PALM BEACH COUNTY, FLORIDA. CONTAINING
75, 420 SQUARE FEET (1.73 ACRES) MORE OR LESS.

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 conflicts shall be repealed.

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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.

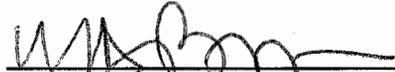
3/07/01
Date


Carrie E. Ward, CMC/AAE, City Clerk

PASSED AND APPROVED on First Reading this 21st day of February 2001.

PASSED AND ADOPTED on Second Reading this 7 day of MARCH 2001.

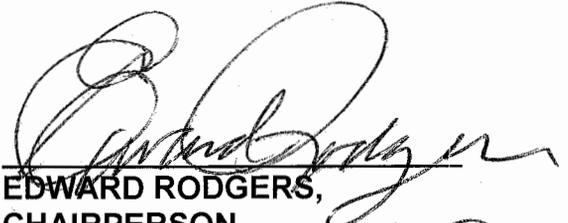
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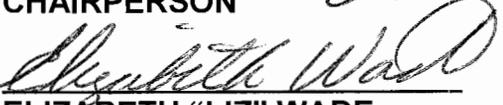

MICHAEL D. BROWN, MAYOR

[MUNICIPAL SEAL]

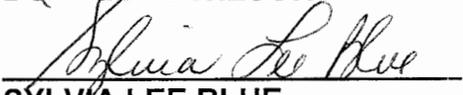
ATTEST:

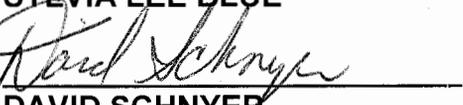

CARRIE E. WARD, CMC/AE
CITY CLERK


EDWARD RODGERS,
CHAIRPERSON


ELIZABETH "LIZ" WADE,
CHAIRPERSON PRO-TEM

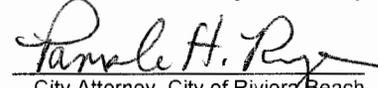

DONALD R. WILSON


SYLVIA LEE BLUE


DAVID SCHNYER
COUNCIL MEMBERS

	<u>1st Reading</u>	<u>2nd & Final Reading</u>
MOTIONED BY:	<u>E. Wade</u>	<u>S. BLUE</u>
SECONDED BY:	<u>S. Blue</u>	<u>D. SCHNYER</u>
E. RODGERS	<u>aye</u>	<u>ABSENT</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>

Reviewed as to legal sufficiency


City Attorney, City of Riviera Beach

Date: 2/15/01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, IMPLEMENTING THE INDUSTRIAL PRETREATMENT ORDINANCE IN COMPLIANCE WITH THE FLORIDA ADMINISTRATIVE CODE WHICH ENABLES THE CITY AND THE EAST CENTRAL REGIONAL WASTEWATER TREATMENT FACILITY (ECRWWTF) TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS, INCLUDING THE CLEAN WATER ACT AND RULE 62-625, F.A.C. (PRETREATMENT REQUIREMENTS FOR EXISTING AND OTHER SOURCES OF POLLUTION); AND PROVIDING FOR THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF RIVIERA BEACH AND FOR THE PROTECTION OF THE ENVIRONMENT.

WHEREAS, the City of Riviera Beach partially owns, and controls sewage treatment and/or disposal system; and

WHEREAS, the purpose this proposed Ordinance is to set forth uniform requirements for users of the City of Riviera Beach and the East Central Regional Wastewater Treatment Facility (ECRWWTF) to comply with regulations issued by the State of Florida Department of Environmental Protection and the United States Environmental Protection Agency relating to wastewater pretreatment including the Clean Water Act and Rule 62-625, F.A.C.; and

WHEREAS, the City of Riviera Beach deems this Ordinance necessary for the health, safety and welfare of the citizens of the City of Riviera Beach and for the protection of the environment.

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

SECTION 1. PURPOSE AND POLICY.

The purpose of this Ordinance is to set forth uniform requirements for Users of the City of Riviera Beach wastewater system and the East Central

Requirements for Existing and Other Sources of Pollution). The objectives of this Ordinance are:

- A. To prevent the introduction of Pollutants into the wastewater facilities that will interfere with its operation;
- B. To prevent the introduction of Pollutants into the wastewater facilities that will Pass Through the wastewater facilities without adequate treatment and receiving waters, or otherwise be incompatible with the wastewater facilities;
- C. To protect wastewater facility personnel who may be affected by the wastewater in the course of their employment;
- D. To promote reuse and recycling of industrial wastewater and sludge from the wastewater facilities;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the wastewater facilities; and
- F. .To enable the City of West Palm Beach, which holds the National Pollutant Discharge Elimination System permit on behalf of the ECRWWTFB, to comply with the NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the wastewater facilities are subject.

SECTION 2. DEFINITIONS.

The following definitions shall apply to the provisions of this Ordinance:

- A. **Act ("the Act").** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- B. **Approval Authority.** The DEP or its successor agencies.
- C. **Authorized Representative of the User.** Either:
 - 1. The president, vice-president, secretary, or treasurer, or any other person who performs similar policy or decision-making functions for the User; or
 - 2. A general partner or proprietor if the User is a partnership or sole proprietorship, respectively; or

3. A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his designee if the User is a Federal, State or local governmental facility; or
 4. A duly authorized representative of the person designated in Sections (1), (2), or (3) above if such authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facilities from which the Discharge originates, and the written authorization is submitted to the City.
- D. **Biochemical Oxygen Demand ("BOD").** The quantity of oxygen utilized in the biochemical oxidation of organic matter.
- E. **Bypass.** The intentional diversion of wastewater streams from any portion of an Industrial User's treatment facility.
- F. **Categorical Industrial User.** An Industrial User subject to Categorical Pretreatment Standards.
- G. **Categorical Pretreatment Standard.** Any regulation containing Pollutant Discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471, as amended.
- H. **CFR.** Code of Federal Regulations.
- I. **Chemical Oxygen Demand ("COD").** A measure of the oxygen equivalent of that portion of the organic matter in a water sample that is susceptible to oxidation by a strong chemical oxidant.
- J. **City.** City of Riviera Beach.
- K. **Control Authority.** The ECRWWTFB or the City of West Palm Beach acting on behalf of and as Agent for the ECRWWTFB.
- L. **Department of Environmental Protection ("DEP").** The Department of Environmental Protection of the State of Florida.
- M. **Discharge.** To deposit, place, emit, unload, release, or cause or allow to be disposed of, deposited, placed, emitted, unloaded, or released.

- N. **Domestic Waste.** Any superfluous solid, liquid, or gaseous material derived principally from the use of sanitary conveniences of residences (including apartments); wastewater produced from a noncommercial or nonindustrial source.
- O. **ECRWWTF.** The East Central Regional Wastewater Treatment Facility which treats and disposes of wastewater and wastewater sludge from the ECRWWTFB entities.
- P. **ECRWWTFB.** The East Central Regional Wastewater Treatment Facilities Board.
- Q. **Environmental Protection Agency ("EPA").** The United States Environmental Protection Agency.
- R. **Existing Source.** Any source of Discharge, the construction or operation which commenced prior to the publication by EPA of proposed Categorical Pretreatment Standards.
- S. **F.A.C.** Florida Administrative Code.
- T. **Grab Samples.** A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- U. **Indirect Discharge.** The introduction of Pollutants into the WWF from any non-domestic source regulated under sections 307 (b), (c), and (d) of the Act and Chapter 403, Florida Statutes.
- V. **Industrial User ("IU").** Any User discharging industrial wastewater into the WWF.
- W. **Industrial Wastewater.** Food waste, other waste, or any superfluous solid, liquid, or gaseous material resulting from manufacturing, industrial, or commercial processes, or from natural resource development, recovery, or processing.
- X. **Industrial Wastewater Surcharge.** An additional service charge assessed against Industrial Users whose wastewater characteristics exceed established surcharge limits.
- Y. **Industrial Wastewater Discharge Permit ("Permit").** Written authorization from the City to discharge industrial wastewater to the WWF, setting certain conditions and/or restrictions on such Discharge.
- Z. **Instantaneous Maximum Allowable Discharge Limit.** The maximum concentration of a Pollutant allowed to be discharged

at any time, determined from analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

- AA. **Interceptors (separators, grease traps).** Any device designed and installed to separate and retain floatable deleterious, hazardous, and/or undesirable matter from sewage or liquid wastes, and to discharge into the WWF by gravity.
- BB. **Interference.** A Discharge which, alone or in conjunction with a Discharge or Discharges from other sources, both:
1. Inhibits or disrupts the WWF, its treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and
 2. Is a cause of a violation of any requirement of the NPDES permit held by the City of West Palm Beach on behalf of the ECRWWTFB (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of DEP, Chapter 403, Florida Statutes, and all applicable Federal laws.
- CC. **Medical Waste.** Wastes including, but not limited to, isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
- DD. **New Source.**
1. Any building, structure, facility, or installation from which there is or may be a Discharge of Pollutants, the construction of which is commenced after the publication of proposed Pretreatment Standards prescribed under Section 307(c) (33 U.S.C. 1317) of the Act which will be applicable to such source, if the standards are thereafter promulgated in accordance with that Section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility or installation totally replaces the process or production equipment that

causes the Discharge of Pollutants at an existing source; or

- c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraph (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
 3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous onsite construction program,
 - (i) any placement, assembly, or installation of facilities or equipment, or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

- EE. **Non-Contact Cooling Water.** Water usage for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product, to which the only Pollutant added is heat.
- FF. **NPDES Permit.** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342)
- GG. **Pass Through.** A Discharge which exits the ECRWWTF into the waters of the State or of the United States in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any regulatory requirement of the ECRWWTFB's NPDES permit (including an increase in the magnitude or duration of a violation).
- HH. **Person.** Individual, corporation, firm, company, joint venture, partnership, sole proprietorship, association, or any other legal business entity, any state or political subOrdinance thereof, any municipality, any interstate body and any department, agency, or instrumentality of the United States and any officer, agent, or employee thereof, and any organized group of persons whether incorporated or not.
- II. **pH.** The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter (g/L) of solution.
- JJ. **Pollutant.** Any dredged spoil, medical waste, solid waste, incinerator residue, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
- KK. **Pretreatment.** The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such Pollutants into the WWF. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Rule 62-625.410(5), F.A.C. Appropriate Pretreatment technology includes control equipment, such as equalization tanks or facilities for protection against surges or Slug Discharges that might interfere with or otherwise be incompatible with the wastewater facilities. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with

wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted Pretreatment limit calculated in accordance with Rule 62-625.410(6), F.A.C.

LL. **Pretreatment Requirement.** Any substantive or procedural requirement related to Pretreatment, other than a Pretreatment Standard, imposed on an Industrial User.

MM. **Pretreatment Standard.** For any specified Pollutant, the prohibitive Discharge Standards as set forth in this article, the State of Florida's Pretreatment Standards, or the National Categorical Pretreatment Standards, whichever standard is the most stringent.

NN. **Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances.

O.O. **RCRA.** Resource Conservation and Recovery Act.

PP. **Septic Tank Waste.** Any sewage from holding tanks such as vessels, chemical toilets campers, trailers, and septic tanks.

QQ. **Sewage.** Human excrement and gray water (household showers, dishwashing operations, etc.)

RR. **Sewer.** Means a pipe or conduit designed for carrying wastewater.

SS. **Significant Industrial User.**

1. All Industrial Users subject to Categorical Pretreatment Standards under Rule 62-625.410 F.A.C. and 40 CFR Chapter 1, Subchapter N; and
2. Any Industrial User who has in its wastes toxic Pollutants as defined pursuant to Section 307 of the Act, Florida Statutes or rules.
3. All non-categorical Users that, in the opinion of the City, have a reasonable potential to adversely affect the WWF operation, or that contribute a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the ECRWWTF, or that discharge an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the WWF. However, the City need not designate as Significant any non-categorical Industrial User that, in the opinion of the City and with the

agreement of the EPA, has no potential for adversely affecting the WWF operation or for violating any Pretreatment Standard or Requirement. The agreement of EPA is not necessary in cases where the non-categorical discharger would have been designated as significant only because of an average Discharge of twenty-five thousand (25,000) gallons per day or more of process wastewater.

4. Any non-categorical Industrial User designated as significant may petition the City to be deleted from the list of Significant Industrial Users on the grounds that it has no potential for adversely affecting WWF operation or violating any Pretreatment Standard or Requirement.

TT. **Significant Noncompliance ("SNC").** Any one or more of the following:

1. Violations of wastewater Discharge limits:
 - a. Chronic violations. Sixty-six (66) percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of excess).
 - b. Technical review criteria (TRC) violations. Thirty-three (33) percent or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six-month period.

There are two groups of TRCS:

Group I for conventional Pollutants (BOD, TSS, fats, oil, and grease)

TRC = 1.4

Group II for all other Pollutants TRC = 1.2

- c. Any other violation(s) of an effluent limit (average or daily maximum) than the City believes has caused, alone or in combination with other Discharges, Interference (e.g., Slug loads) or pass-through; or endangered the health of the sewage treatment personnel or the public.
- d. Any discharge of a Pollutant that has caused imminent endangerment to human health/welfare

or to the environment and has resulted in the City exercising its emergency authority to halt or prevent such a Discharge.

2. Violations of compliance schedule milestones, contained in a permit or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.
 3. Failure to provide reports for compliance schedules, self-monitoring data, or Categorical Standards (baseline monitoring reports, ninety-day compliance reports, and periodic reports) within thirty (30) days from the due date.
 4. Failure to accurately report non-compliance within 30 days of its occurrence.
 5. Any other violation or group of violations that the City considers to be significant.
- UU. **Significant Violation.** A violation which remains uncorrected forty-five (45) days after notification of noncompliance, which is part of a pattern of noncompliance over a twelve-month period, which involves a failure to accurately report noncompliance, or which resulted in the City exercising emergency authority under Section 10 of this Ordinance.
- VV. **Sludge.** Any solid or semisolid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.
- WW. **Slug.** Any Discharge of water, wastewater or industrial waste at a flow rate or concentration which could cause a violation of the Prohibited Discharge Standards in Section 4 of this Ordinance.
- XX. **Standard Industrial Classification ("SIC") Code.** A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- YY. **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting from such precipitation.

- ZZ. **Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- AAA. **Upset.** An exception incident in which there is unintentional and temporary noncompliance with Pretreatment Standards because of factors beyond the reasonable control of the Industrial User.
- BBB. **User.** Any Person who Discharges, causes, or allows the Discharge of wastewater into the WWF.
- CCC. **Wastewater.** Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are discharged into the WWF.
- DDD. **Wastewater Facility ("WWF").** The structure, equipment, and processes required to collect, carry away, and treat domestic, industrial, medical, and other wastes and dispose of the effluent including facilities of the City of Riviera Beach wastewater system and ECRWWTF.

SECTION 3. APPLICABILITY.

This Ordinance shall apply to all Users of the WWF.

SECTION 4. PROHIBITED DISCHARGE STANDARDS .

Users shall not discharge Pollutants into the WWF unless in accordance with this Ordinance.

- A. **Discharge Prohibitions.** No User shall discharge into the WWF any waste or wastewater which may cause pass-through or interfere with the operation or performance of the WWF. No User shall discharge into the WWF or any waste or wastewater containing any of the following:
1. Toxic or poisonous substances, chemical elements or compounds, taste or odor-producing substances, or any other substances which are not amenable to treatment or reduction by the wastewater treatment processes employed by the ECRWWTF. Toxic Pollutants shall include, but not be limited to, any Pollutant identified pursuant to 40 CFR Part 116 (4).

2. Noxious, or malodorous solids, liquids, or gases or other wastewater which, either singly, or by interaction with other waste or wastewater (a) are capable of creating public nuisance or hazard to human or animal life (b) are or may be sufficient to prevent entry into a Sewer for its maintenance, inspection, or repair or (c) may create any hazard in the receiving waters of the ECRWWTF.
3. Liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WWF or to its operation. Prohibited materials include but are not limited to, petroleum oil and non-biodegradable cutting oil, Pollutants with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit [sixty (60) degrees Centigrade], as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80k or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278 and Pollutants which cause an excess of ten (10) percent of the lower explosive limit (LEL) at any point in the WWF. Specific products include, but are not limited to: gasoline, kerosene, fuel oil, motor oil, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides or any other substance which the City, the State of Florida, or any federal agency has determined is a fire hazard or a hazard to the WWF.
4. Radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by regulations within the F.A.C. issued by the Florida Department of Health and Rehabilitative Services and which will or may cause damage or hazards to the WWF or its operating personnel.
5. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool Discharges, uncontaminated cooling water, unpolluted Industrial process waters, air-conditioning condensate, unless specifically authorized by the City in writing.
6. Domestic Wastes from septic tanks, portable toilets, or other similar facilities, unless approved by the Control Authority in writing. Such Discharges shall only be made at a site approved by the Control Authority.

7. Mineral oil in excess of fifty (50) mg/L or animal/vegetable fats, wax, grease, or oils in excess of one hundred (100) mg/L, whether emulsified or not; or substances which may solidify or become viscous at temperatures lower than or equal to one hundred fifty (150) degrees (150 degrees Fahrenheit).
8. All trucked or hauled Pollutants are prohibited except at Discharge points designated by the City.
9. Inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such concentrations as to Pass Through or cause Interference with the operations of the WWF.
10. Waste or wastewater having a pH lower than 5.5 exhibiting any corrosive property which either singly or by interaction with other wastes is capable of causing damage or hazard to structures, processes, equipment, or personnel of the WWF.
11. Waste or wastewater having a pH higher than 9.5 which either singly or by interaction with other wastes is capable of causing damage or hazard to structures, processes, equipment or personnel of the WWF.
12. BOD, COD, or chlorine in such concentration and/or flow as to constitute a significant load on or shock to the ECRWWTF or cause Interference.
13. Volume of flow or concentrations of wastes constituting "Slugs" as defined herein.
14. Liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit(150° F) or that causes influent temperature to the ECRWWTF to exceed one hundred four degrees Fahrenheit (104° F.), except where higher temperatures are required by law.
15. Solid or viscous substances in such quantities or of such size as to be capable of causing obstruction to the flow in a Sewer, or other Interference with the proper operation of any connected system, such as but not limited to: pordinances greater than one-half (½) inch in any dimension, grease, uncomminuted food wastes, animal entrails or tissues, paunch manure, bones, hair, hides or fleshings, whole blood, feathers, ashes, cinders, sand,

spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, waste paper, wood plastics, rubber stoppers, tar asphalt residues from refining or processing of fuel or lubricating oil, gasoline, naphtha, and similar substances either whole or ground.

16. Excessive discoloration which can not be removed by the treatment process, such as but not limited to dye, printing wastes, and vegetable tanning solutions which imparts color to the ECRWWTF effluent thereby violating the NPDES permit held by the City of West Palm Beach on behalf of ECRWWTFB. The discoloration (in combination with turbidity) shall not cause the ECRWWTF effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten (10) percent from the seasonally established norm for aquatic life.
17. Medical wastes, except as authorized by the City in a Permit.
18. Detergents, surface-active agents, or other substances which may cause excessive foaming in the WWF.
19. Any sludges, screenings, or other residuals from the Pretreatment of industrial wastes.
20. Toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems.

B. Compliance With National and Local Standards. It shall be unlawful for any person to Discharge any Pollutant into the WWF except when the such Discharge is in compliance with federal standards promulgated pursuant to the Act, and any other more stringent state and local standards. Wastes containing concentrations in excess of the National Categorical Pretreatment Standards are prohibited.

C. Local Pretreatment Standards. Any wastes containing concentrations in excess of the following Local Pretreatment Standards are prohibited:

PARAMETER	MAXIMUM ALLOWABLE CONCENTRATION DURING A 24-HOUR PERIOD (mg/L)
Aluminum	16.0
Ammonia	50.0
Antimony	0.2
Arsenic	0.45
Barium	3.0
Beryllium	8.8
Biochemical Oxygen Demand (BOD ₅)	400.0
Bismuth	0.05
Cadmium	0.32
Carbonaceous Biochemical Oxygen Demand (CBOD)s	400.0
Chloride	600.0
Chemical Oxygen Demand (COD)	800.0
Chromium – Total	30.00
Cobalt	1.0
Copper	11.00
Cyanide	1.80
Cyanide Amendable to Chlorination	0.5
Hydrogen Sulfide	5.0
Iron	10.0
Lead	1.90
Manganese	1.0
Mercury	0.07

Molybdenum	0.80
Nickel	2.99
Oil, and Grease	100.0
Petroleum Hydrocarbons	15.0
pH (Standard Units)	5.5 - 9.5
Phenol	5.0

PARAMETER	MAXIMUM ALLOWABLE CONCENTRATION DURING A 24-HOUR PERIOD (mg/L)
Phenolic Compound	0.5
Selenium	1.25
Silver	4.10
Strontium	0.2
Temperature (F)	150.0
Tin	0.6
Total Suspended Solids	400.0
Zinc	2.70

The above limits apply at the point where the wastewater is discharged to the WWF. The Control Authority may impose mass limitations, instantaneous maximum limitations, maximum monthly average values, or maximum 4-day average values, in addition to, or in place of, the limitations listed above.

- D. **Right of Revision.** The City reserves the right to establish, by Ordinance or in Permits, more stringent limitations or requirements on Discharges to the WWF if deemed necessary to comply with the requirements of this Ordinance.
- E. **Dilution.** No User shall ever increase the use of process water, or in any way attempt to dilute a Discharge, as a partial or

complete substitute for adequate treatment to achieve compliance with the limitations unless expressly authorized by an applicable Federal Categorical Pretreatment Standard, or in any other Pollutant-specific limitation developed by the State. The Control Authority may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

F. Septic and Industrial Waste Hauling.

1. Septic tank waste may be introduced into the WWF only at the septic receiving station located at the ECRWWTF.
2. Any industrial or septic waste haulers shall have a Discharge permit issued under conditions specified in Section 6 of this Ordinance.
3. No hauled load may be discharged without prior written consent from the City. Samples may be collected from each load to ensure compliance with applicable standards. The industrial or septic waste hauler may be required to provide waste analysis of any load prior to discharge.
4. Industrial and septic waste hauler must provide a waste tracking form for every load. The form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, volume and characteristics of waste. This form shall identify the type of industry known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.

G. Control of discharge. If any wastes or wastewaters are discharged, or are proposed to be discharged, to the WWF which contain the substances or possess the characteristics enumerated in Section 4 as prohibited by this Ordinance, does not meet applicable Pretreatment Standards and Requirements, and/or which may have a deleterious effect upon the WWF, its processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

1. Reject the wastes or deny or condition the introduction of New Sources of wastewater to the WWF: or

2. Require the Industrial User to demonstrate that in-plant improvements will modify the Discharge to such a degree as to be acceptable; and/or
3. Require Pretreatment of the Industrial User's Discharge to ensure compliance with this Ordinance; and/or
4. Require payment of an industrial waste surcharge to cover the added cost of handling and treating excess loads imposed on the WWF by such Discharge. These special surcharges shall be approved by the City as stated in the existing schedule of rates and fees of the WWF. Approval of industrial waste surcharges for the recovery of treatment costs does not replace or supersede the requirements for Pretreatment facilities, should they be found necessary by the City.

SECTION 5. PRETREATMENT.

- A. **Pretreatment Facilities.** Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all Categorical Pretreatment Standards, local limits, and the prohibitions set out in this Ordinance within the time limitations specified by EPA, the State of Florida or the City, whichever is more stringent. Any Pretreatment facility shall be provided, operated, and maintained at the User's sole cost and expense. Detailed plans prepared by a registered engineer in the State of Florida describing such facilities and operating procedures must be approved in writing by the City before such facilities are constructed. The review and approval of such plans and operating procedures shall not relieve the User from the responsibility of modifying such facilities as necessary to produce a Discharge in compliance with this Ordinance.
- B. **Additional Pretreatment Measures.**
 1. Whenever deemed necessary, the City may require Users to restrict their Discharge during peak flow periods, designate that certain wastewater be discharged only into specific Sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the WWF and determine the User's compliance with the requirements of this Ordinance.

2. The City may require any person discharging into the WWF to install and maintain, on their property and at their sole cost and expense, a suitable storage and flow-control facility to ensure equalization of flow. A Permit may be issued solely for flow equalization.
3. Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved in writing by the City and shall be installed at a location on the premises to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at their expense. Users shall provide all reports of interceptor maintenance as required by the City.
4. Users with the potential to discharge flammable substances shall be required to install and maintain an approved combustible gas detection meter.

C. **Accidental Discharge/Slug Control Plans.** At least once every two (2) years, the City shall evaluate whether to require each Significant Industrial User to adopt an accidental Discharge/Slug control plan. Alternatively, the City may develop such a plan for any User. An accidental Discharge/Slug control plan shall address, at a minimum, the following:

1. Description of Discharge practices, including non-routine batch Discharges;
2. Description of all stored chemicals;
3. Procedures for immediately notifying the City of any accidental or Slug Discharge in accordance with Section 7 of this Ordinance; and
4. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic

Pollutants, including solvents, and/or measures and equipment for emergency response.

SECTION 6. INDUSTRIAL WASTEWATER DISCHARGE PERMIT.

A. Application for Discharge Permit.

1. It is unlawful to discharge industrial waste without a Permit. Any violation of the terms and conditions of a Permit shall be deemed a violation of this Ordinance and shall subject the permittee to sanctions set out in Sections 10 and 11 of this Ordinance. Obtaining a Permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law. The City may require other Users, including liquid waste haulers and non-discharging Users to obtain Permits as necessary to carry out the purposes of this Ordinance.
2. All prospective Users must submit to the City the application fee and information on the nature and characteristics of their wastewater by completing a Permit application / wastewater survey at least one hundred and eighty (180) days prior to the date upon which any Discharge will begin. The City is authorized to prepare a form for this purpose and may periodically require Users to update the survey. Information to be provided with the survey may include description of the industrial activity, specifications of the constituents inherent to the processes and wastes, identification of the wastewater characteristics, plumbing diagrams, location of sampling points, number of employees and hours of operation, and any other information deemed necessary by the City to evaluate the permit application. Failure to complete this survey shall be reasonable grounds for terminating service to the User and shall be considered a violation of this Ordinance.
3. Within ninety (90) days of receipt of a complete Permit application, the City will determine whether or not to issue a Permit. The City may deny any application for a Permit.
4. All Users which discharge industrial waste into the WWF prior to the effective date of this Ordinance are granted temporary authority to continue to discharge in compliance with the existing codes, regulations, and

policies of the City. Those Users who wishes to continue such Discharges, shall apply for a Permit within ninety (90) days after the effective date of this Ordinance. The User shall not cause or allow Discharges to the WWF to continue after one hundred and eighty (180) days of the effective date of this Ordinance, except in accordance with a Permit issued by the City.

B. Application Signatories and Certification. All Permit applications and User reporting must be signed by an authorized representative of the User and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All Categorical Industrial Users must comply with the signatory requirements of Rule 62-625.600(11) F.A.C.

C. Permit Issuance Process.

1. Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations. The cost of said permit shall be incurred by the User in accordance with the fee schedule as set forth in Section 11 of this Ordinance.
2. Permit duration shall not exceed five (5) years from the date of issuance and upon expiration of same, a renewal permit may be issued which shall be effective for an additional five (5) years provided that the conditions of the existing permit have not changed and the appropriate renewal fees have been paid. The permit shall be displayed by the User in a location at the permitted facility, so as to be seen and read by the general public.

3. Permits shall contain at a minimum, the following conditions:
 - a. A statement that indicates Permit duration;
 - b. A statement of non-transferability;
 - c. Pretreatment Standards and effluent limits applicable to the User based on applicable standards in Federal, State, and local law;
 - d. Self monitoring, sampling, reporting, notification, and record keeping requirements;
 - e. Statement of applicable civil, criminal, and administrative penalties for violation of Pretreatment Standards and Requirements.

4. Permits may contain the following additional conditions:
 - a. The unit charge or schedule of User charges and fees for management of the wastewater to be discharged to the WWF;
 - b. Limits on the instantaneous, daily, monthly average and/or four (4) day maximum concentration, mass, or other measure of identified wastewater constituents and characteristics;
 - c. Limits on the average and/or maximum rate and time of discharge and/or requirements for flow regulations and equalization;
 - d. Requirements for installation and maintenance of inspection facilities, and flow metering and sampling equipment;
 - e. Requirements for the installation of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the WWF;
 - f. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine Discharges;

F. Permit Appeal.

1. The City shall provide public notice of the issuance of a Permit. Any person, including the User, may petition the City code enforcement department to reconsider the terms of a Permit within fifteen (15) days of its issuance. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
2. In its petition, the appealing party must indicate the wastewater Discharge provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the Permit.
3. The effectiveness of the Permit shall not be stayed pending the appeal.
4. If the code enforcement department fails to act within fifteen (15) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a Permit, not to issue a Permit, or not to modify a Permit, shall be considered final administrative action for purposes of judicial review.

G. Permit Modification. Permits may be modified by the City for good cause including, but not limited to the following:

1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of Permit issuance;
3. A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
4. Information indicating that the permitted Discharge poses a threat to the WWF, City personnel, or the receiving waters;
5. Violations of any terms or conditions of the Permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the Permit application or in any required reporting;

7. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13 and Rule 62-625.700, F.A.C.;
8. To correct typographical or other errors in the Permit;
9. To reflect a transfer of the facility ownership and/or operation to a new owner/operator; or
10. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

User requests for permit modifications shall be made in writing and include facts or reasons which support the request. When modifying a permit, the City shall allow a reasonable time frame for the User to comply with the new or changed conditions if the User cannot meet them at the time of the modification and if permitted by law. If the new or changed conditions are the result of new or changed Pretreatment regulations, those regulations will stipulate the compliance period. The filing of a request by the permittee for a Permit modification does not stay any Permit condition.

H. **Permit Revocation.** Permits may be revoked for the following reasons:

1. Failure to notify the City of significant changes to the wastewater prior to the changed Discharge.
2. Failure to provide prior notification to the City of changed condition pursuant to Section 7 of this Ordinance.
3. Misrepresentation or failure to fully disclose all relevant facts in the Permit application.
4. Falsifying self monitoring reports.
5. Tampering with monitoring equipment.
6. Refusing to allow the City timely access to the facility premises and records.
7. Failure to meet effluent limitations.
8. Failure to pay penalties.

9. Failure to pay Sewer charges.
10. Failure to meet compliance schedules.
11. Failure to provide advance notice of the transfer of a permitted facility.
12. Violation of any Pretreatment Standard or Requirement, or any terms of the Permit or this Ordinance.
13. Indication that the Discharge presents a threat to the environment or threatens to interfere with the operation of the WWF.

Permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership (except as addressed herein). All Permits are void upon the issuance of a new Permit.

I. Appeal of Permit Revocation.

1. Authorization to discharge industrial waste into the WWF shall continue in effect unless or until rescinded by the City in writing. In the event that the City revokes the authorization of any User to discharge wastes into the WWF, notification of such revocation shall be delivered to the User by certified mail or by hand delivery.
2. Any system User whose authorization to discharge has been revoked may appeal the decision of the City. The appeal shall be sent in writing by certified mail, return receipt requested, to the City code enforcement department within fifteen (15) days of receipt of the City's notification to cease discharge.
3. The code enforcement department may affirm, reverse, or modify the order of the City and shall issue its decision in writing. The City's order to cease discharge of wastes into the WWF shall not become effective until the period for appeal has expired, or in the event that an appeal has been filed, until the code enforcement department has rendered a decision, unless the City has made a finding that continued discharge by the User into the WWF constitutes a clear and present danger to the operations of the WWF or to the health of the public, or to the environment. Any such finding shall be included in the City's notification to cease discharge, and

in such event, the revocation of authorization to discharge wastes shall become effective immediately.

- J. **Permit Renewal.** All permittees must apply for a permit renewal a minimum of ninety (90) days prior to the expiration of the existing permit. The reapplication for a permit shall consist of a written request for reissuance of the permit. The request shall state if all terms and conditions of the existing permit and Ordinance are complied with and must be signed by an authorized representative of the User.

- K. **Special Agreements.** The City reserves the right to enter into special agreements with Users setting out special terms under which they may discharge to the WWF. In no case will a special agreement waive compliance with a Categorical Pretreatment Standard or Requirement.

- L. **Regulation of Discharge from Other Jurisdictions.** In the event another jurisdiction or municipality contributes all or a portion of its wastewater to the WWF, the City shall require the jurisdiction or municipality to enter into an multi-jurisdictional agreement with the City or the Control Authority. Prior to entering into a multi-jurisdictional agreement, the City may request the contributing jurisdiction provide the following information:
 - 1. A description of the quality and volume of the wastewater(s) at the point where it enters the WWF from the contributing jurisdiction.
 - 2. An inventory of all Industrial Users within the contributing jurisdiction.
 - 3. Such information as may be required by the City.

A multi-jurisdictional agreement as required above, shall contain the following conditions:

- 1. A requirement for the contributing jurisdiction to adopt an Ordinance which is at least as stringent as this Ordinance and local limits which are at least as stringent as those set out in Section 4 for those Users that discharge in the WWF. The requirement shall specify that the Ordinance and limits must be revised as necessary to reflect changes made to this Ordinance.

2. A requirement for the contributing jurisdiction to submit a revised Industrial User inventory on at least an annual basis.
3. A requirement for the contributing jurisdiction to:
 - a. Conduct Pretreatment implementation activities including Industrial User permit issuance, inspection and sampling, and enforcement; or
 - b. Authorize the Control Authority to take or conduct the activities on its behalf.
4. A requirement for the contributing jurisdiction to provide the Control Authority with access to all information that the contributing jurisdiction User or municipal User obtains as part of its Pretreatment activities associated with the WWF.
5. Limits on the nature, quality, and volume of the contributing jurisdiction wastewater at the point where it discharges to the WWF.
6. Requirements for monitoring the Discharge.
7. A provision ensuring the Control Authority access to the facilities of WWF Users located within the contributing jurisdiction's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Control Authority.
8. A provision specifying remedies available for breach of the terms of the multi-jurisdictional agreement.

SECTION 7. REPORTING REQUIREMENTS.

- A. **Baseline Monitoring Reports.** Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under Rule 62-625.410(2)(d), F.A.C., whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the WWF shall submit to the City a report which contains the information listed numerically below. At least ninety (90) days prior to commencement of their Discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the City a report which contains the information listed

numerically below. A New Source shall report the method of Pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of Pollutants to be discharged.

1. *Identifying Information.* The name and address of the facility, including the name of the operator and owner.
2. *Environmental Permits.* A list of any environmental control permits held by or for the facility.
3. *Description of Operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the WWF from the regulated processes.
4. *Flow Measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the WWF from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set out in Rule 62-625.410(6), F.A.C.
5. *Measurement of Pollutants.*
 - a. The Categorical Pretreatment Standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the City, of regulated Pollutants in the Discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 7 (J) of this Ordinance.
 - c. Sampling must be performed in accordance with procedures set out in Section 7 (K) of this Ordinance.

6. *Certification.* A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional Pretreatment is required to meet the Pretreatment Standards and Requirements.
7. *Compliance Schedule.* If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional Pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 7 (B) of this Ordinance.
8. *Signature and Certification.* All baseline monitoring reports must be signed and certified in accordance with Section 7 (B) of this Ordinance.

B. **Compliance Schedule Progress Reports.** The following conditions shall apply to the compliance schedule required by Sections 6 and 7 of this Ordinance:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
2. No increment referred to above shall exceed nine (9) months;
3. The User shall submit a progress report to the City no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate,

the steps being taken by the User to return to the established schedule; and

4. In no event shall more than nine (9) months elapse between such progress reports to the City.

C. **Reports on Compliance with Categorical Pretreatment Standard Deadline.** Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of the New Source following commencement of the introduction of wastewater into the WWF, any User subject to such Pretreatment Standards and Requirements shall submit to the City a report containing the information described in Section 7 (A) (4-6) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Rule 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6 (B) of this Ordinance.

D. **Periodic Compliance Reports**

1. All Significant Industrial Users shall, at a frequency determined by the City but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of Pollutants in the Discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 6 (B) of this Ordinance.
2. All wastewater samples must be representative of the User's Discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its Discharge.

3. If a User subject to the reporting requirement in this section monitors any Pollutant more frequently than required by the City, using the procedures prescribed in Section 7 (K) of this Ordinance, the results of this monitoring shall be included in the report.

E. **Reports of Changed Conditions.** Each User must notify the City of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

1. The City may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Permit application under Section 6 (A) of this Ordinance.
2. The City may issue a Permit under Section 6 (A) of this Ordinance or modify an existing Permit in response to changed conditions or anticipated changed conditions.
3. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty-five percent (25%) or greater, and the discharge of any previously unreported Pollutants.

F. **Reports of Potential Problems**

1. In the case of any Discharge, including, but not limited to, accidental Discharges, Discharges of a non-routine, episodic nature, a non-customary batch Discharge, or a Slug load, that may cause potential problems for the City, the User shall immediately telephone and notify the City of the incident. This notification shall include the location of the Discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
2. Within five (5) days following such Discharge, the User shall, unless waived by the City, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the

WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.

3. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a Discharge described in Paragraph 1, above. Employers shall ensure that all employees, who may cause such a Discharge to occur, are advised of the emergency notification procedure.
- G. **Reports from Unpermitted Users.** All Users not required to obtain a Permit shall provide appropriate reports to the City as the City may require.
- H. **Notice of Violation/Repeat Sampling and Reporting.** If sampling performed by a User indicates a violation, the User must notify the City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation. The User is not required to resample if the City monitors at the User's facility at least once a month, or if the City samples between the User's initial sampling and when the User receives the results of this sampling.
- I. **Notification of the Discharge of Hazardous Waste**
1. Any User who commences the discharge of hazardous waste shall notify the City, the EPA Regional Waste Management Ordinance Director, and State hazardous waste authorities, in writing, of any Discharge into the WWF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of Discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the WWF, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in

the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph needs be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 7 (E) of this Ordinance. The notification requirement in this section does not apply to Pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Section 7 (A), (C) and (D) of this Ordinance.

2. Dischargers are exempt from the requirements of Paragraph 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
3. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the City, the EPA Regional Waste Management Waste Ordinance Director, and State hazardous waste authorities of the Discharge of such substance within ninety (90) days of the effective date of such regulations.
4. In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable Federal or State law.

J. **Analytical Requirements.** All Pollutant analyses, including sampling techniques, to be submitted as part of a Permit application or report shall be performed in accordance with the techniques prescribed in 62-625.600(1)(e), F.A.C., unless otherwise specified in an applicable Categorical Pretreatment Standard; or the sampling or analytical techniques for the Pollutant in question is not given for the Pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

K. **Sample Collection**

1. Except as indicated in Paragraph 2, below, the User must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the City may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous Discharge limits.

2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

L. **Timing.** Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

M. **Records.** Any Industrial User subject to the reporting requirements in this Ordinance is required to retain for a minimum of three (3) years any records of monitoring activities and results, and shall make records available for inspection or photocopying by the City or state or federal officials. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates

analyses were performed; who performed the analysis; the analytical techniques or methods used and the results of said analyses. The three (3) year period shall be automatically extended for the duration of any litigation concerning the User, the City or where the User has been specifically notified of a longer retention period by the City.

SECTION 8. PROTECTION FROM DAMAGE.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the WWF. Costs of any damage to WWF caused by such acts or costs associated with additional treatment or alternative disposal method required to meet effluent or sludge treatment and disposal requirements resulting from violations of this Ordinance shall be paid by the User responsible for the violations.

SECTION 9. POWERS AND AUTHORITY OF INSPECTORS.

Authorized representatives of the City, the DEP, and the EPA bearing proper credentials shall be permitted to enter upon any property without prior notification for the purpose of inspection, observation, measurement, sampling, testing review and/or photocopying of records, or investigation as may be necessary in the enforcement of this Ordinance. Entry shall be made during daylight or operating hours unless abnormal or emergency circumstances require otherwise.

The City may seek issuance of a search warrant(s) from any court of competent jurisdiction for the following reasons:

- A. Refusal of access to a building, structure or property or any part thereof.
- B. If the City is able to demonstrate probable cause to believe that there maybe a violation of this Ordinance.
- C. If there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City.
- D. To protect the public health, safety and welfare of the City.

SECTION 10. ENFORCEMENT ACTIONS.

The following escalating enforcement strategy shall be used by the City when Industrial Users are out of compliance with this Ordinance. The various

types of enforcement actions, including the Industrial Discharger Enforcement Procedure (IDEP), shall be used as determined by the City depending on the circumstances of the violation.

- A. **Immediate Threat to Public Health.** The City may require the immediate halt of a Discharge if it is deemed as an immediate threat to public health or the WWF.

- B. **Self-Monitoring.** The Industrial User will review its self-monitoring data to determine whether a violation of this Ordinance and/or of its permit limitations has occurred. If a violation has occurred, the Industrial User must provide to the City:
 - 1. 24-hour notification that a violation has occurred.
 - 2. Magnitude and nature of the violation.
 - 3. Details regarding analytical quality assurance.

Failure to comply with the twenty-four-hour notification requirement will result in administrative fines of one hundred dollars (\$100.00) per occurrence.

- C. **Resampling.** Upon the determination that a violation has occurred, the Industrial User must resample the final Discharge for the violated parameter. The resampling data must be submitted to the City within thirty (30) days of violation discovery. Failure to resample and report within thirty (30) days is a violation of this ordinance and Rule 62-625.600(6)(b), F.A.C. If the IU fails to resample and submit the report within thirty (30) days, the City will issue a Notice of Violation (NOV). Failure to comply with the NOV will result in a single administrative fine of one hundred fifty dollars (\$150.00) per violation. Continued failure to comply within sixty (60) days from original violation thereafter will result in a monthly fine of five hundred dollars (\$500.00) or one-half ($\frac{1}{2}$) of the previous month's bill, whichever is greater.

- D. **WWF Monitoring.** The City will conduct periodic, independent compliance monitoring of Industrial Users as appropriate. If the violation is not significant, as defined in this Ordinance, the City will issue a NOV and a forty-five day compliance schedule including the requirement to resample in order to determine whether a violation is significant. The results of the resampling must be submitted to the City within thirty (30) days of receipt of the compliance schedule. Failure to comply will result in a

single fine of five hundred dollars (\$500.00) per violation. Continued failure to comply sixty (60) days after issuance of the NOV will result in a monthly fine of one thousand dollars (\$1,000.00) or the previous month's bill, whichever is greater.

- E. **Significant Noncompliance.** The City will review sampling data obtained to determine whether Significant Noncompliance as defined in this Ordinance has occurred; in which case a single fine of five hundred dollars (\$500.00) or one-half (½) the previous month's bill, whichever is greater, will be assessed per violation.

- F. **Formal Notice.** If Significant Noncompliance is determined to have occurred, the City will issue a Notice of Significant Violation (NOSV), requiring the Industrial User to submit within fifteen (15) days of the receipt of the notice, a ninety-day compliance schedule to determine the need to install or construct Pretreatment facilities. Failure to respond within fifteen (15) days will result in a single fine of five hundred dollars (\$500.00) per violation. Upon receipt of the draft compliance schedule, the City will issue the compliance schedule as a condition of continued operation. A Demonstration of Compliance (DOC) will be included as the final item in the compliance schedule. If at any time during the ninety-day schedule, the Industrial User determines that Pretreatment facilities are required, the Industrial User will inform the City of such and submit a draft construction schedule.

- H. **DOC.** Upon completion of the ninety-day compliance schedule, the City will review the DOC data to determine whether compliance has been achieved. Failure to demonstrate compliance during the ninety-day schedule will result in the City issuing another NOSV requiring the Industrial User to submit within fifteen (15) days of receipt of the NOSV a draft compliance schedule for the construction of new Pretreatment facilities or the improvement, modification or expansion of existing facilities. Failure to respond within fifteen (15) days will result in a single fine of five hundred dollars (\$500.00) per violation. Continued failure to comply within sixty days of the NOSV thereafter will result in a monthly fine of one thousand dollars (\$1,000.00) or previous month's bill, whichever is greater. Upon receipt of the draft compliance schedule, the City will issue the compliance schedule as a condition of continued operation. Approval of the facility design engineer by

- I. the City is required prior to design of the Pretreatment facility. A DOC will be included as the final item in the compliance schedule. Upon completion of the construction compliance schedule, the City will review the DOC data to determine whether compliance has been achieved.

- H. **Final Schedule of Compliance.** If the construction of Pretreatment facilities does not achieve compliance, the City will assess a fine of two thousand dollars (\$2,000.00) or twice the previous month's bill, whichever is greater, and will issue a notice of monthly fine (NMF). Fines of the same amount will continue to be assessed on a monthly basis until compliance is achieved or service is terminated. The NMF will require that the Industrial User submit a draft final compliance schedule within fifteen (15) days or receipt of the NMF. Upon receipt of the draft compliance schedule, the City will issue the final schedule of compliance as a condition of continued operation. A DOC period will be included as the final item in the compliance schedule. Upon completion of the compliance schedule, the City will review the DOC data to determine whether compliance has been achieved.

- I. **Show Cause Hearing.** If the final compliance schedule does not achieve compliance, the City will issue a Notice to Show Cause (NSC) why the Discharge permit should not be revoked and service terminated, in accordance with law. The NSC will be served on the User specifying the time and place of the hearing, the proposed facts of the action, the reasons for such actions and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing on the User or posted at the location where the alleged violation is occurring or has occurred. Whether or not the User appears as notified, immediate enforcement action may be pursued following the hearing. The City will hold the show cause hearing to determine whether the permit should be revoked and Sewer services terminated.
 1. If the Industrial User shows cause for its failure to comply, service shall not be terminated nor the permit revoked. The monthly fine will increase to an amount up to one thousand dollars (\$1,000.00) per day and a new final compliance schedule will be issued.

2. If the Industrial User fails to show cause why its permit should not be revoked and service terminated, the Industrial User's permit shall be revoked and its Sewer service will be terminated by the City.

J. **Violations Not Addressed.** Penalties for violations of this Ordinance and/or the User's Permit not addressed in this section will be assessed at the discretion of the City.

SECTION 11. PERMIT FEES AND PENALTIES.

A. Permit Application and Renewal Fee:

Non-Categorical Industry Permit	\$200.00 per year
Categorical Industry Permit	\$400.00 per year
Analytical Fees	On a permit by permit basis

B. Other Fees and Penalties are listed under Section 10, Enforcement Actions.

C. If the City implements a Surcharge Program, industrial waste surcharge rates shall be as listed below:

$$\text{BOD} = \$0.40/\text{lb (X)}$$

$$\text{TSS} = \$0.40/\text{lb (Y)}$$

$$\text{Oil \& Grease} = \$7.30/\text{lb (Z)}$$

Monthly Surcharges shall be calculated as follows:

$$\text{IWS} = 8.34 (V) (\$X(\text{BOD}-400) = \$Y(\text{TSS}-400) + \$Z(\text{OG}-100)$$

IWS = Monthly Industrial surcharge rate.

V = Volume of industrial flow in million gallons per month based on metered water.

BOD = Biochemical Oxygen Demand in mg/L.

TSS = Total Suspended Solids in mg/L.

OG = Oil and grease in mg/L.

X = Capital and operating costs per pound of BOD greater than 400 mg/L.

Y = Capital and operating costs per pound of TSS greater than 400 mg/L.

Z = Capital and operating costs per pound of oil and grease greater than 100 mg/L.

- D. Any person who violates a provision of this Ordinance shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof, and upon conviction shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) per day for each offense or by imprisonment not to exceed sixty (60) days or by both such, fine and imprisonment. If a violation continues, each day of such violation shall constitute a separate offense.
- E. Any person who knowingly makes any false statement, representation or certification in any record or other document submitted under this Ordinance of Industrial User permits shall be subject to fines of up to one thousand dollars (\$1,000.00) per violation or by imprisonment for not more than sixty (60) days, or both.

SECTION 12. CIVIL AND CRIMINAL REMEDIES.

In addition to the administrative fines provided in Sections 10 and 11, the City is hereby authorized to institute any appropriate action or proceeding, including suit for injunctive relief and civil penalties up to one thousand dollars (\$1,000.00) per day per violation, in order to prevent or abate violations of this Ordinance. The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

- A. **Injunctive Relief.** When the City finds that a User has violated, or continues to violate, any provision of this Ordinance, a Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may petition the Circuit Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Permit, order, or other requirement imposed by this Ordinance on activities of the User. The City may also

seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

B. Criminal Prosecution.

1. A User who willfully or negligently violates any provision of this Ordinance, a Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than the maximum fine allowed under State law per violation, per day, or imprisonment, or both.
2. A User who willfully or negligently introduces any substance into the WWF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least the maximum fine allowable under State law, or be subject to imprisonment, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
3. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than the maximum fine allowable under State law per violation, per day, or imprisonment or both.
4. In the event of a second conviction, a User shall be punished by a fine of not more than the maximum fine allowable under State law per violation, per day, or imprisonment, or both.

C. Remedies Nonexclusive. The remedies provided for in this Ordinance are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in

accordance with the City's enforcement response plan. However, the City may take other action against any User when the when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

SECTION 13. NOTIFICATION REQUIREMENTS AND AFFIRMATIVE DEFENSES TO ACCIDENTAL DISCHARGE, UPSET, AND BYPASS.

A. **Accidental Discharge of Prohibited Discharge Standards.** A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions or the specific prohibitions in Section 4 (a) (1-2); 4 (a) (4-7); 4 (a) (9); and 4 (a) (11-20) if it can prove that it did not know, or have reason to know, that its Discharge, alone or in conjunction with Discharges from other sources, would cause Pass Through or Interference and that either:

1. A local limit exists for each Pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
2. No local limit exists, but the Discharge did not change substantially in nature or constituents from the User's prior Discharge when the ECRWWTFB was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

B. **Upset.** If there occurs an unintentional and temporary noncompliance with Pretreatment Standards because of factors beyond the reasonable control of the Industrial User, and the Industrial User wishes to establish an affirmative defense of an Upset, the User must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. An Upset occurred and the Industrial User can identify the cause of the Upset; and

2. The Industrial User's facility was, at the time of the Upset, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
3. The Industrial User properly notified the City of the Upset in accordance with the procedures set forth in Paragraph (D) below.

In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an Upset has the burden of proof. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. The Industrial User shall control production or all Discharges to the extent necessary to maintain compliance with Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

C. Bypass.

1. An Industrial User may allow Bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it is for essential maintenance to assure efficient operation.
2. If an Industrial User knows in advance of the need for a Bypass, it shall submit a notice to the City at least ten (10) days before the date of the Bypass.
3. Bypass that exceeds applicable Pretreatment Standards is prohibited, and the City shall take enforcement action against an Industrial User for a Bypass, unless:
 - a. The Bypass was unavoidable to prevent loss of life, personal injury, or sever property damage.
 - b. There were no technically feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment

downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance.

- c. The Industrial User properly notifies the City of the Bypass in accordance with the procedures set forth in Paragraph (D) below.

D. Notification of Accidental Discharge, Upset or Bypass.

1. *Immediate Notification via Telephone* : In the event of an accidental Discharge, Slug load, Upset or Bypass, (including a violation of the Prohibited Discharge Standards in Section 4 (A) of this Ordinance) the User shall take the necessary measures to stop, limit, or control the Discharge. The discharger shall immediately notify the City within 24 hours about the incident by telephone. In the event the City is not available, the discharger shall notify the Control Authority by telephone. The notification shall include:
 - a. Address of the Discharge
 - b. Type of Discharge
 - c. Concentration of Pollutants in the Discharge
 - d. Volume of Discharge
 - e. Corrective measures taken
2. *Written Notification* : Within five (5) days of the accidental Discharge, Upset or Bypass, the discharger shall submit a written report to the City. The report shall include, but not be limited to, type of Discharge, concentrations, volume, cause of the event, duration of the event, corrective measures taken and measures to be employed to prevent future incidents. In the event further information is requested, the discharger shall provide the information within forty-eight hours of the request. If the event occurs during a holiday period or weekend, the written notification shall be the first working day following the holiday period or weekend. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WWF, natural resources, or any

other damage to person or property; nor shall notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.

3. *Notice to Employees:* A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of an accidental Discharge, Upset or Bypass. Employers shall insure that all employees who could cause or suffer such an accidental Discharges, Upset or Bypasses to occur are advised of the emergency notification procedures. Failure to notify the City of potential problem Discharges, Upset or Bypasses shall be deemed a separate violation of this Ordinance.

SECTION 14. CONFIDENTIALITY.

Information and data concerning individual Industrial Users obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public to the extent permitted by Florida law, upon written request without restriction unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the City that such release would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Wastewater constituents and characteristics will not be recognized as confidential information.

SECTION 15. PUBLIC NOTICE

The City shall publish annually in the largest daily newspaper published within the service area, a list of industrial users, which during the previous twelve (12) months were in Significant Noncompliance with applicable pretreatment standards.

SECTION 16. CONFLICT.

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

of ordinances, and all resolutions or parts of resolution in conflict herewith, be and the same are hereby repealed to extent of such conflict.

SECTION 17. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the City that the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 18. CODIFICATION.

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. Specific authority is hereby granted to codify this ordinance.

SECTION 19. EFFECTIVE DATE.

This Ordinance shall be in full force and take effect upon its final passage and adoption by the City Council.

PASSED AND APPROVED on first reading this 21st day of March, 2001.

PASSED AND ADOPTED on second and final reading this 4th day of April, 2001.

APPROVED:



**MICHAEL D. BROWN
MAYOR**



**EDWARD RODGERS,
CHAIRPERSON**

(MUNICIPAL SEAL)

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

Donald R. Wilson
DONALD R. WILSON

ATTEST:

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: S. Blue

MOTIONED BY: D. Schnyer

SECONDED BY: E. Wade

SECONDED BY: E. Wade

1ST READING

2ND & FINAL READING

E. RODGERS aye

aye

E. WADE aye

aye

D. WILSON aye

aye

S. BLUE aye

aye

D. SCHNYER aye

aye

REVIEWED AS TO LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: _____

ORDINANCE NO. 2916

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE 11 ENTITLED SELECTION PROCESS BY CLARIFYING LOCAL PREFERENCE; CREATING SECTION 11-105 ENTITLED EXEMPTIONS BY EXCLUDING THE 10% LOCAL PREFERENCE ON CONSTRUCTION CONTRACTS FROM THE APPLICATION OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the current language in the Procurement Ordinance was adopted to benefit the local businesses in the City; and

Whereas, the 10% preference frustrates competition in the City's construction bid process; and

Whereas, the City is paying higher cost for construction services due to lack of non local competition; and

Whereas, the City desires to receive fair competition on all procurement contracts.

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

Section 1. Article 11, entitled "Selection Process" of the City of Riviera Beach Procurement Ordinance 2412/2570 is hereby amended as follows to eliminate the 10% Local Preference by excluding construction contracts from the application of the Ordinance.

ARTICLE 11 – SELECTION PREFERENCE PROCESS

~~Notwithstanding any other provisions~~ Unless otherwise specified, preference shall be given in the selection process as follows:

~~Sec. 11-101 Lowest Responsible Bidder Local Preference.~~

~~Lowest responsible bidder (based on the conditions below) If the lowest Responsible Bidder is not a Riviera Beach company and if a Riviera Beach company's submit a bid which is not greater than ten percent (10%) more than the lowest bidder; and the lowest bidder is not a Riviera Beach~~

Company, then the Riviera Beach company will shall be awarded the bid, provided such Riviera Beach company meets all other qualifications herein and is otherwise a Responsible Bidder.

Sec. 11-105 Exemptions

This Article shall not apply to Construction Contracts.

Section 2. This ordinance shall not be codified.

Section 3. This ordinance shall be in full force and effect immediately upon its final passage and adoption.

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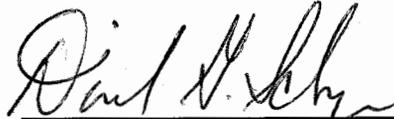
PASSED AND APPROVED on First Reading this 17th day of April 2002.

PASSED AND ADOPTED on Second Reading this 1st day of May 2002.

APPROVED:



MICHAEL D. BROWN, MAYOR



DAVID G. SCHNYER,
CHAIRPERSON

[MUNICIPAL SEAL]



SYLVIA LEE BLUE,
CHAIRPERSON PRO-TEM

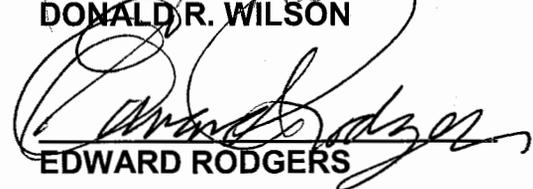


DONALD R. WILSON

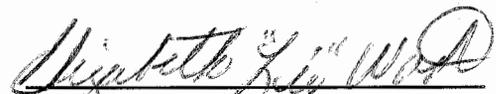
ATTEST:



CARRIE E. WARD, CMC/AAE
CITY CLERK



EDWARD RODGERS



ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

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

Reviewed as to legal sufficiency

City Attorney, City of Riviera Beach

Date: _____

ORDINANCE NO. 2916
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 NO. 2917

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE PAY AND CLASSIFICATION SCHEDULES BY INCREASING THE SALARY OF UNIFORM FIRE PERSONNEL REPRESENTED BY THE RIVIERA BEACH ASSOCIATION OF FIREFIGHTERS BARGAINING AGREEMENT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, labor negotiations between the Riviera Beach Association of Firefighters and City staff have concluded; and

WHEREAS, both parties have reached a tentative agreement which must be approved by City Council; and

WHEREAS, the salary of uniform Fire Personnel represented by the Riviera Beach Association of Firefighters shall be increased effective October 1, 2001.

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 Classification Schedule shall be amended as reflected in Article 10 of the Union Contract as follows:

That the pay grades for uniform fire personnel covered under Riviera Beach Association of Firefighters Bargaining Unit be increased as follows:

FROM

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

TO

Grade	Position	Minimum	Maximum
F29	Fire Fighter	\$29,969.00	\$46,690.00
F31	Driver Engineer	\$33,383.82	\$50,496.00
F33	Captain	\$40,636.04	\$59,675.40
F36	Division Chief	\$46,624.30	\$68,469.36

Motioned by: E. Wade

Motioned by: E. Wade

Seconded by: S. Blue

Seconded by: S. Blue

1st READING

2ND READING

D. SCHYNER Aye

Aye

S. BLUE Aye

Aye

D. WILSON Aye

Aye

E. WADE Aye

Aye

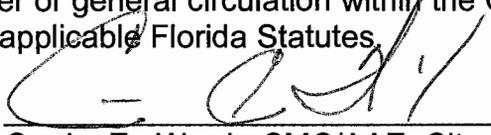
E. RODGERS Aye

Aye

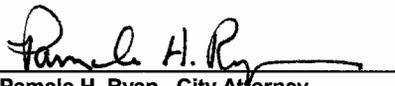
CERTIFICATION OF PUBLICATION:

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.

5/15/02
DATE


Carrie E. Ward, CMC/AE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY


Pamala H. Ryan, City Attorney
City of Riviera Beach

Date 4/30/02

ORDINANCE NO. 2917
PAGE 2.

SECTION 2. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

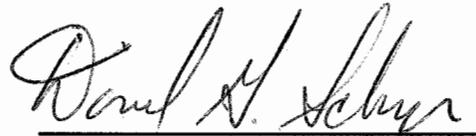
SECTION 3. That this ordinance shall not be codified.

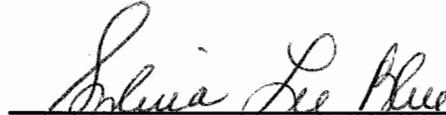
PASSED and APPROVED on first reading this 1st day of May, 2002.

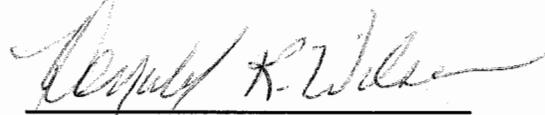
PASSED and ADOPTED on second and final reading this 15th day of Mat, 2002.

APPROVED:


MICHAEL D. BROWN
MAYOR

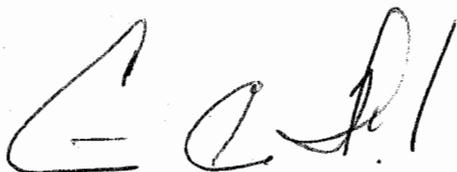

DAVID G. SCHNYER
CHAIRPERSON


SYLVIA L. BLUE
CHAIRPERSON PRO TEM


DONALD R. WILSON
COUNCIL MEMBER

(MUNICIPAL SEAL)

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


ELIZABETH "LIZ" WADE
COUNCIL MEMBER


EDWARD RODGERS
COUNCIL MEMBER

ORDINANCE NO. 2918

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 12, SECTION 12-8 ENTITLED "SALE OF FIREWORKS AND EXPLOSIVES", AND ADDING SECTION 31-553 ENTITLED "FIREWORKS AND SPARKLERS", TO THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach Code of Ordinances is being amended to provide regulation for the sale of Fireworks and Sparklers within City; and

WHEREAS, the creation of Fireworks and Sparkler regulations will allow the City to effectively control and regulate the limited sale of fireworks and sparklers within the City Limits.

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

Section 1. Section 12-8 of the City of Riviera Beach Code of Ordinances is hereby amended as follows.

Sec. 12-8. Sale of Fireworks and explosives.

It shall be unlawful for any person to sell or explode fireworks, ~~Roman candles, skyrockets, or any other explosive of any nature whatsoever (usually known as fireworks) within the city.~~ as defined by F.S. 791.01, within the city, except as permitted by F.S. 791.02, F.S. 791.04, and F.S. 791.07. The sale of fireworks will be permitted under the Supplemental Regulations, Section 31-566, Riviera Beach Code of Ordinances.

Section 2. Article VI, entitled "Supplemental Regulations" is hereby amended to include a new section 31-553 entitled "Fireworks and Sparklers"

Sec. 31-553. Fireworks and Sparklers.

(a) Definitions:

- (1) "Fireworks" means and includes any combustible or explosive composition or substance or combination of substances or, except as hereinafter provided, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes, but is not limited to blank cartridges and toy cannons in

which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance.

- (2) "Fireworks" does not include sparklers approved by the Division of the State Fire Marshal of the Department of Insurance; toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.
- (3) "Fireworks" also does not include the following novelties and trick noisemakers, the sale and use of which shall be permitted at all times:
- (A) A snake or glow worm, which is a pressed pellet of not more than 10 grams of pyrotechnic composition that produces a large, snakelike ash which expands in length as the pellet burns and that does not contain mercuric thiocyanate.
- (B) A smoke device, which is a tube or sphere containing not more than 10 grams of pyrotechnic composition that, upon burning, produces white or colored smoke as the primary effect.
- (C) A trick noisemaker, which is a device that produces a small report intended to surprise the user and which includes:
- (i) A party popper, which is a small plastic or paper device containing not more than 16 milligrams of explosive composition that is friction sensitive, which is ignited by pulling a string protruding from the device, and which expels a paper streamer and produces a small report.
- (ii) A booby trap, which is a small tube with a string protruding from both ends containing not more than 16 milligrams of explosive compound, which is ignited by pulling the ends of the string, and which produces a small report.
- (iii) A snapper, which is a small, paper-wrapped device containing not more than four milligrams of explosive composition coated on small bits of sand, and which, when

dropped, explodes, producing a small report. A snapper may not contain more than 250 milligrams of total sand and explosive composition.

- (iv) A trick match, which is a kitchen or book match which is coated with not more than 16 milligrams of explosive or pyrotechnic composition and which, upon ignition, produces a small report or shower of sparks.
 - (v) A cigarette load, which is a small wooden peg that has been coated with not more than 16 milligrams of explosive composition and which produces, upon ignition of a cigarette containing one of the pegs, a small report.
 - (vi) An auto burglar alarm, which is a tube which contains not more than 10 grams of pyrotechnic composition that produces a loud whistle or smoke when ignited and which is ignited by use of a squib. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report.
- (4) "Retailer" means any person who, at a fixed place of business, is engaged in selling fireworks or sparklers to consumers at retail.
 - (5) "Manufacturer" means any person engaged in the manufacture or construction of fireworks or sparklers.
 - (6) "Distributor" means any person engaged in the business of selling fireworks or sparklers to a wholesaler.
 - (7) "Seasonal Retailer" means any person engaged in the business of selling fireworks or sparklers at retail in this state from June 20 through July 5 and from December 10 through January 2 of each year.
 - (8) "Seller" means any person, corporation, firm, or co-partnership engaged in the business of selling fireworks, including "manufacturer," "retailer," "seasonal retailer," "wholesaler," and "distributor."
 - (9) "Sparkler" means a device which emits showers of sparks upon burning, does not contain any explosive compounds, does not detonate or explode, is hand held or ground based, cannot propel itself through the air, and contains not more than 100 grams of the chemical compound which produces sparks upon burning. Any sparkler that is not approved

by the Division of the State Fire Marshal of the Department of Insurance is classified as fireworks.

- (10) "Wholesaler" means any person engaged in the business of selling fireworks or sparklers to a retailer.
- (11) "Building" means a permanent structure containing no fewer than four (4) outer walls and a roof enclosing said walls, constructed in accordance with the local building code and a duly issued building permit, and for which occupancy is authorized by a duly issued certificate of occupancy. For purposes of this section, the term building shall also include a part of the structure, such as a unit or space within a shopping center.
- (12) "Commercial Structure or Building" means a building constructed and used for the purpose of producing income. For purposes of this section, the term commercial building shall not include a building designed, constructed and used in accordance with the laws for residential occupancy.
- (13) "NFPA" means National Fire Protection Association.
- (14) "Occupancy" means the purpose for which a building or portion thereof is used or intended to be used.

(b) The sale of fireworks shall only be permitted pursuant to an exception or exemption set forth in Florida Statutes, Section 791.02, 791.04 or 791.07 and any such sale shall only be located in an IL or IG zoning district. The sale of Fireworks shall only be permitted in a permanent commercial structure or building and any such sale will be prohibited in any Temporary Structure including but not limited to, a tent, canopy, trailer, open air stand, vehicle or any other structure not permanently located on the property at which the sale of Fireworks is to take place. The sale and storage of fireworks shall be protected by an approved automatic sprinkler system that complies with minimum Extra Hazard Group-2 design criteria, in accordance with NFPA standards for such occupancy hazard. Additionally, pursuant to Palm Beach County Code 31-9.3, said structure shall be of non-combustible construction and shall be free standing with a minimum of ten (10) feet from any contiguous building line.

(c) When selling fireworks pursuant to an exception or exemption set forth in Florida Statutes, Sections 791.02, 791.04, or 791.07, the seller of fireworks shall require the purchaser to produce a photo identification or other such documents as are needed to establish the identity of the purchaser. Additionally, the seller shall document and retain for each sale:

- (1) the name, telephone number and home address of the purchaser;

- (2) a detailed description of the documents reviewed to establish the identification of the purchaser;
- (3) the date of the purchase or sale;
- (4) the name, telephone number and home address of the salesperson making the sale;
- (5) the specific nature of the use which qualified for the exception or exemption relied upon (i.e. "a sale at wholesale," "a sale to be shipped directly out-of-state," etc.)
- (6) the manufacturer's label name and the quantity for each firework sold; and
- (7) the proof reviewed by the seller to establish the exception or exemption applied to that sale, which shall at a minimum contain the following information:
 - A. if the sale is at wholesale between manufacturers, distributors, and wholesalers who have registered with the Division of State Fire Marshal of the Department of Insurance, the seller shall record the registration number of the purchaser;
 - B. if the sale is for fireworks that are to be shipped directly out-of-state, the seller shall record the name, address, and telephone number of the common carrier who will make the delivery and the date said fireworks were delivered to that common carrier;
 - C. if the sale of fireworks is to a person holding a permit from any board of county commissioners or the governing body of a municipality, the seller shall review the permit and record the date, permit number, expiration date, and identity of the governing body issuing the permit;
 - D. if the sale is for the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or for use in quarrying or blasting or other industrial use, the seller shall record the name, address and telephone number of the railroad, transportation agency, or other entity which will use the fireworks;
 - E. if the sale is for blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, the seller shall record the name, address, and telephone number of the organization sponsoring or producing the event or show;

- F. if the sale is for use by military organizations or organizations comprised of the armed forces of the United States, the seller shall record the name, address, and telephone number of the organization which will use the fireworks;
- G. if the sale is for the use solely and exclusively in frightening birds from agricultural works or fish hatcheries, the seller shall retain a copy of the statement that has been filed with the sheriff's office pursuant to the rules prescribed by the State of Florida Department of Agriculture and Consumer Services which must be provided by the purchaser prior to the sale of the fireworks.

(d) If a purchaser claims to be exempt from registration requirements pursuant to an exemption set forth in Florida Statutes section 791.04, in addition to the information required to be recorded in sub-section (c) above, the purchaser must provide a written notarized statement setting forth the basis of the exemption and the purpose for which the fireworks are being purchased.

(e) The information required to be recorded shall be available for review, inspection and/or copying by the City or its agents at the location where the fireworks are being sold during the period that fireworks are being sold. Additionally, said information shall be retained by the seller for a period of twelve (12) months from the date of sale, and if requested by the City or its agents, shall be produced for review at City Hall during normal business hours. The request by the City or its agents shall be in writing and served upon the seller by certified mail, return receipt requested or by hand delivery to the seller at the last known address of such seller. The seller shall produce the requested information to the City or its agent within five (5) business days after receipt of the written request.

(f) It is unlawful for any seller, as defined herein, to sell fireworks without first obtaining, documenting and recording the information required to be recorded in sub-section (c) above.

(g) It is unlawful for any seller of fireworks to fail to retain the information or records required to be recorded under this Section for a period of twelve (12) months from the date of sale or fail to make said information or records available for review, inspection and copying at the site of the sale.

(h) It is unlawful for any seller of fireworks to fail to produce the information required to be recorded, copied and/or retained under sub-section (c) above within the time limits proscribed herein after the written request of the City or its agents.

(i) It is unlawful for any person, corporation, firm, or co-partnership to misrepresent, misstate, or falsify a statutory exemption under Chapter 791, Florida Statutes for the purpose of inducing a sale of fireworks.

(j) It is unlawful for any person, corporation, firm or co-partnership to manufacture fireworks or sparklers within the City.

(k) The retail sale of sparklers, as defined by Florida Statutes sections 791.01(8) and 791.013, shall be limited to sale in CG and IL zoning districts. The sale of sparklers shall only be permitted in a permanent commercial structure or building and any such sale will be prohibited in any Temporary Structure including but not limited to, a tent, canopy, trailer, open air stand, vehicle or any other structure not permanently located on the property at which the sale of Sparklers is to take place. The sale and storage of sparklers shall be protected by an approved automatic sprinkler system that complies with minimum Extra Hazard Group-2 design criteria, in accordance with NFPA standards for such occupancy hazard. Additionally, said structure shall be of non-combustible construction and shall be free standing with a minimum of ten (10) feet from any contiguous building line and subject to the following requirements:

- (1) A hold harmless affidavit which holds the City harmless for any liability connected with the operation shall be provided to the City fifteen (15) days prior to the authorized sale of sparklers.
- (2) A certification of registration from the State Fire Marshal authorizing the sale of sparklers shall be provided to the City fifteen (15) days prior to the authorized sale of sparklers.
- (3) A signed and notarized affidavit of compliance with the State Approved List of Sparklers shall be signed under oath affirming that only products on the State Fire Marshal's Approved List of Sparklers and Novelty Items will be sold and that the seller understands that a violation of the affidavit may result in an injunction against the sale of Sparklers shall be provided to the City fifteen (15) days prior to the authorized sale of sparklers.
- (4) A plan approved by the City Fire Department and the Department of Community Development delineating storage, parking, sales area and signage shall be provided to the City fifteen (15) days prior to the authorized sale of sparklers.

(l) Any violation of this Section shall subject an offender to arrest pursuant to Florida Statutes section 901.15, and prosecution pursuant to Florida Statutes section 125.69.

(m) Any violation of this Section shall also subject an offender to seizure of the unlawful goods such that the Police Department of Riviera Beach and its officers shall,

at the expense of the owner, seize, take, remove, or cause to be removed all stocks of fireworks or sparklers offered or exposed for sale, stored or held in violation of this Section.

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 July 5, 2002.

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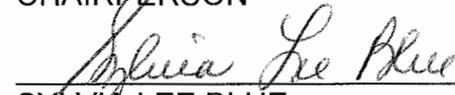
PASSED and APPROVED THIS 5TH day of JUNE, 2002.

APPROVED:


MICHAEL D. BROWN
MAYOR

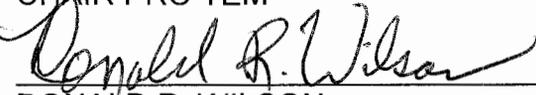

DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)


SYLVIA LEE BLUE
CHAIR PRO TEM

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


DONALD R. WILSON
COUNCILPERSON


ELIZABETH "LIZ" WADE
COUNCILPERSON

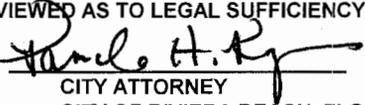

EDWARD RODGERS
COUNCILPERSON

MOTIONED BY:
SECONDED BY:

S. BLUE
E. WADE

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

AYE
AYE
AYE
AYE
AYE

REVIEWED AS TO LEGAL SUFFICIENCY
By: 
CITY ATTORNEY
CITY OF RIVIERA BEACH, FLORIDA

Date: 5/15/02

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

ORDINANCE NO. 2919

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, IMPLEMENTING THE COMPREHENSIVE PAY AND CLASSIFICATION SCHEDULE AS PREPARED BY DMG FOR GENERAL EMPLOYEES REPRESENTED BY THE NATIONAL CONFERENCE OF FIREMEN AND OILERS, LOCAL #1227 AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, both parties have reached a tentative agreement to implement the Comprehensive Pay and Classification Schedule as prepared by DMG which must be approved by City Council; and

WHEREAS, the salary of the General Employees represented by the National Conference of Firemen and Oilers shall be increased based upon the attached Compensation and Classification Implementation Report.

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

SECTION 1. That the DMG Comprehensive Pay and Classification Schedule shall be implemented for the General Employees for the contract year October 1, 2001 – September 30, 2002 which is attached hereto and made a part of this ordinance.

SECTION 2. That employee's salary shall be adjusted to the minimum of the pay grade if the employee's salary is below the minimum effective October 1, 2001.

SECTION 3. Effective October 1, 2001, employees shall be eligible for adjustment to their salary based on either the years in classification or by the years in service calculated by using the following formula $(.0035 \times \text{salary} \times \text{years of service})$ whichever is greater, but in no event shall an employee receive both.

SECTION 4. That during the 2001/2002 Fiscal year, effective on the employee's anniversary date, the employee shall receive the following merit increase based on the employee's evaluation:

Outstanding	2.0%
Excellent	1.5%
Satisfactory	1.0%

SECTION 5. That employees represented by NCFO Bargaining Unit shall have their salaries increased retroactively according to the 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 pay check for Fiscal Year 2001 – 2002. Employees hired subsequent to the effective date of this agreement will be eligible for retroactivity from the date they were hired.

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

SECTION 7. That this ordinance shall not be codified.

ORDINANCE NO. 2919

Page -3-

PASSED and APPROVED on first reading this 19th day of June, 2002.

PASSED and ADOPTED on second and final reading this 17th day of July, 2002.

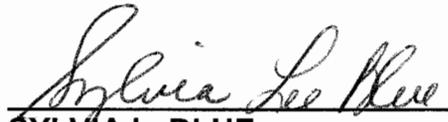
APPROVED:



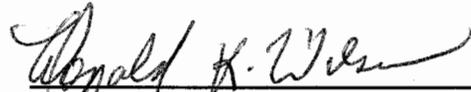
MICHAEL D. BROWN
MAYOR



DAVID G. SCHNYER
CHAIRPERSON



SYLVIA L. BLUE
CHAIRPERSON PRO TEM



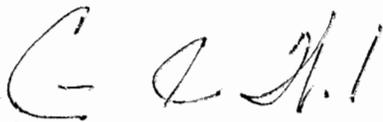
DONALD R. WILSON
COUNCIL MEMBER

(MUNICIPAL SEAL)

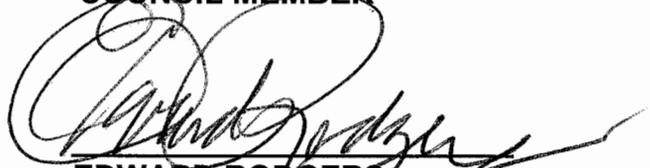
ATTEST:



ELIZABETH "LIZ" WADE
COUNCIL MEMBER



CARRIE E. WARD, CMC/AE
CITY CLERK



EDWARD RODGERS
COUNCIL MEMBER

ORDINANCE NO. 2919
Page -4-

Motioned by: S. Blue

Motioned by: E. Wade

Seconded by: E. Wade

Seconded by: D. Wilson

1st READING

2ND READING

D. SCHYNER aye

aye

S. BLUE aye

aye

D. WILSON aye

aye

E. WADE aye

aye

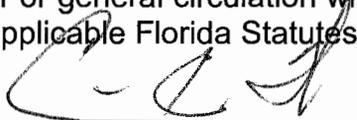
E. RODGERS aye

aye

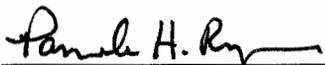
CERTIFICATION OF PUBLICATION:

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.

6/15/02
DATE


Carrie E. Ward, CMC/AAE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY


Pamala H. Ryan, City Attorney
City of Riviera Beach

Date 6/13/02

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE II, SECTION 27 OF THE CITY CHARTER ENTITLED "CITY MANAGER APPOINTMENT" BY DELETING THE REQUIREMENT THAT THE CITY MANAGER MAY HAVE ONLY A ONE YEAR CONTRACT; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article II, section 27, of the Charter of the City of Riviera Beach restricts the city manager to no more than a one year employment contract; and

WHEREAS, the City of Riviera Beach City Council has determined that it is in the best interest of the citizens of the City of Riviera to allow the city manager to have an employment contract that is not restricted to one year; and

WHEREAS, Chapter 166, Florida Statutes, which is known as the Municipal Home Rule Powers Act allows a municipal government to change certain provisions of its charter by ordinance; and

WHEREAS, it has been determined that Article II, section 27, of the Charter of the City of Riviera Beach can be amended by ordinance.

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

Section 1. That Article II, section 27, entitled "City manager appointment" of the Charter of the City of Riviera Beach is hereby amended to read:

Section 27. CITY MANAGER APPOINTMENT. The city council shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties in this Charter provided. No city councilman shall receive such appointment during the term for which he shall have been elected. The council shall appoint the city manager for an indefinite term and may remove him by a majority vote of its members. If a contract is required, the city council may execute same, ~~provided same does~~

not exceed one (1) year.

In the event of a vacancy of the city manager's position, a temporary appointment shall be made not to exceed one hundred twenty (120) days, at which time a city manager shall be appointed.

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 City Charter of the City of Riviera Beach.

Section 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

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

Section 10. Specific authority is hereby granted to codify this Ordinance.

PASSED and APPROVED on first reading this 16th day of June, 2002.

PASSED and ADOPTED on second and final reading this 17th day of July, 2002.

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APPROVED:

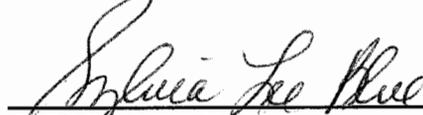


**MICHAEL D. BROWN
MAYOR**



**DAVID G. SCHNYER
CHAIRPERSON**

ATTEST:

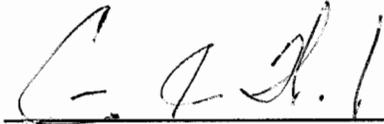


**SYLVIA LEE BLUE
CHAIRPERSON PRO TEM**

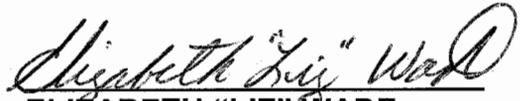
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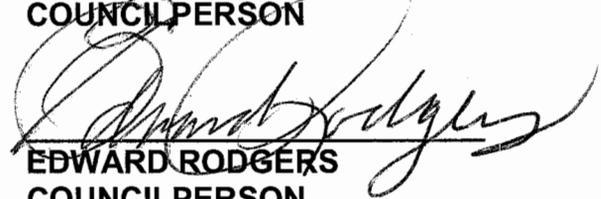
**DONALD R. WILSON
COUNCILPERSON**



**CARRIE E. WARD, CMC/AAE
CITY CLERK**



**ELIZABETH "LIZ" WADE
COUNCILPERSON**



**EDWARD RODGERS
COUNCILPERSON**

MOTIONED BY:

E. Wade

SECONDED BY:

D. Wilson

D. Schnyer

aye

S. Blue

aye

D. Wilson

aye

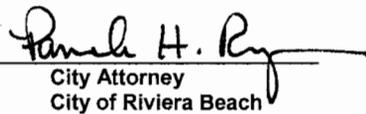
E. Wade

aye

E. Rodgers

aye

REVIEWED FOR LEGAL SUFFICIENCY

By: 
City Attorney
City of Riviera Beach

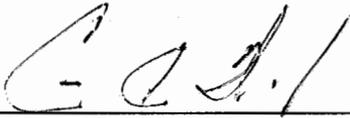
Date: 6/12/02

[PHR:syj 06.12.03]

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.

7/17/02
Date



Carrie E. Ward, CMC/AE
City Clerk

ORDINANCE NO. 2921

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM JOHN SKEFFINGTON, WITH LAND LOCATED IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTAINING 2.8 ACRES, LYING ON THE NORTH EAST CORNER OF DR. MARTIN LUTHER KING JR. BOULEVARD AND INTERSTATE 95, 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; AND 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 with 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, to the subject property for development purposes upon annexation of the subject parcel.

WHEREAS, for any businesses that are located on this site, all future advertising must state its location as being in the City of Riviera Beach.

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

Section 1. The above recitations are true and hereby incorporated herein.

Section 2. Pursuant to Chapter 171, Florida Statutes, the City of Riviera Beach, 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

John Skeffington Proprieties

Property Control Number: 00-43-42-31-00-000-3020

Section 3. This ordinance shall be read by Title on first reading, and shall be published in its entirety 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 annexation shall become effective.

Section 4. Within seven (7) 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 5. All Ordinances of the City of Riviera Beach, Florida, shall apply to the property proposed to be annexed when the annexation is final.

Section 6. The corporate limits of the City of Riviera Beach are hereby redefined to include the legal description of the subject property.

Parcel 1

A parcel of land in the Northwest Quarter (NW ¼) of Section 31, Township 42 South, Range 43 East Palm Beach County, Florida.

From the Southeast corner of said Northwest Quarter (NW ¼) of Section 31 run thence West along the East-West Quarter Section Line of said Section 31 a distance of 1120.54 feet, more or less, to the point of beginning of the parcel herein conveyed; thence continue Westerly on said East-West Quarter Section Line a distance of 260.36 feet, more or less, to the intersection thereof with the Easterly Right-of-Way line a distance of 376.82 feet, more or less, to a point in a line parallel to and 350.00 feet North of (measured at right angles) the said East-West Quarter Section Line of Section 31; thence run Easterly along said parallel line a distance of 401.29 feet to the point of beginning.

Parcel 2

Begin at the intersection of the East R/W line of state road No. 710 with the East R/W line of State Road No. 9, (I-95) and run Southeasterly along the East R/W

line of State Road No. 710 a distance of 80.00 feet; thence North 36 42'46" East a distance of 77.29 feet, more or less, to the intersection thereof with the South line of the NW ¼ of Section 31, Township 42 South, Range 43 East, Palm Beach County, Florida; thence West along said South line a distance of 117.09 feet, more or less, to the East R/W line of State Road No. 9 (I-95); thence Southerly along said R/W line a distance of 20.11 feet, more or less, to the point of beginning.

Parcel 2 is restricted to road right of way purposes only for ingress and egress to Parcel 1.

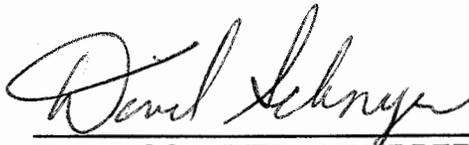
- Section 7. The City Clerk is hereby directed to include the above named parcels within the municipal boundaries of the City of Rivera Beach.
- Section 8. Upon annexation, the City shall assign the land use and zoning designations to said parcels, in accordance with Chapter 163, Florida Statutes.
- Section 9. 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 10. All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflicts shall be repealed.

PASSED AND APPROVED on First Reading this 7th day of August, 2002.

PASSED AND ADOPTED on Second Reading this 21st day of August, 2002.

APPROVED:


MICHAEL D. BROWN, MAYOR


DAVID SCHNYER, CHAIRPERSON

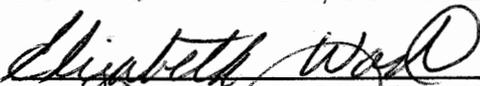
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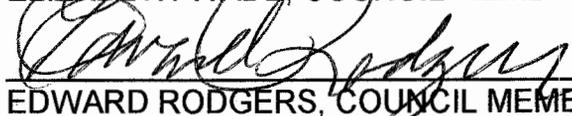

SYLVIA LEE BLUE, CHAIRPERSON PRO-TEM


DONALD R. WILSON, COUNCIL MEMBER

ATTEST:


CARRIE E. WARD, CMC/AAE
CITY CLERK


ELIZABETH WADE, COUNCIL MEMBER


EDWARD RODGERS, COUNCIL MEMBER

FIRST READING

SECOND AND FINAL READING

MOTIONED BY: D. Wilson

MOTIONED BY: S. Blue

SECONDED BY: E. Wade

SECONDED BY: E. Wade

D. SCHYNER aye

D. SCHYNER aye

S. BLUE aye

S. BLUE aye

D. WILSON aye

D. WILSON aye

E. WADE aye

E. WADE aye

E. RODGERS aye

E. RODGERS aye

REVIEWED AS TO LEGAL SUFFICIENCY

City Attorney
City of Riviera Beach

Date _____

ORDINANCE NO. 2921

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.

August 9, 2008
Date


Carrie E. Ward, CMC/AEE, City Clerk

ORDINANCE NO. 2893

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING AN INDUSTRIAL LAND USE DESIGNATION FOR 1.73 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WESTROADS DRIVE AND WHITE DRIVE; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 166.3187 (1) (c), provides procedures to adopt an ordinance involving less than ten (10) contiguous acres that are small scale development activities; and

WHEREAS, the subject property is currently assigned a Palm Beach County Industrial Land use designation; and

WHEREAS, on March 8, 2001, the Planning and Zoning Board conducted a public hearing and reviewed the proposed land use change from Palm Beach County Industrial to the City of Riviera Beach Industrial, and forwarded its recommendation 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 Future Land Use Map of the City of Riviera Beach is hereby amended to assign an Industrial Land Use Designation to 1.73 acres of land located at the Northeast corner of the intersection of Westroads Drive and White Drive; The legal description is as follows:

The South 250 feet of tract "D" Plat No. 2, West Roads Business and Industrial Park, According to Plat thereof as recorded in Plat Book 29, Page 193, Public Records of Palm Beach County, Florida. Containing 75,420 square feet (1.73 acres) more or less.

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.

ORDINANCE NO. _____
PAGE -2-

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 31 days from the adoption hearing.

Section 5. The Director of Community Development is hereby authorized and directed to update the City's Future Land Use Map by assigning the Industrial Land Use designations as described by this Ordinance.

PASSED AND APPROVED on First Reading this 21st day of March 2001.

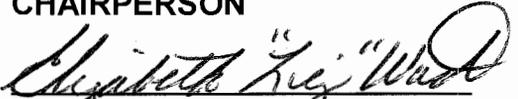
PASSED AND ADOPTED on Second Reading this 4th day of April 2001.

APPROVED:


MICHAEL D. BROWN, MAYOR


EDWARD RODGERS,
CHAIRPERSON

[MUNICIPAL SEAL]


ELIZABETH "LIZ" WADE,
CHAIRPERSON PRO-TEM


DONALD R. WILSON

ATTEST:

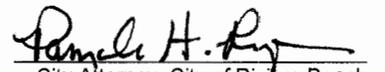

CARRIE E. WARD, CMC/AE
CITY CLERK


SYLVIA LEE BLUE

DAVID G. SCHNYER
COUNCIL MEMBERS

	<u>1st Reading</u>	<u>2nd & Final Reading</u>
MOTIONED BY:	<u>E. Wade</u>	<u>S. Blue</u>
SECONDED BY:	<u>D. Wilson</u>	<u>D. Wilson</u>
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>

Reviewed as to legal sufficiency


City Attorney, City of Riviera Beach

Date: 3/13/01

ORDINANCE NO. 2894

AN ORDINANCE 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 1.73 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WESTROADS DRIVE AND WHITE DRIVE; 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 which changes the actual zoning map; and

WHEREAS, the subject property is currently assigned a Palm Beach County zoning classification of IL (Light Industrial); and

WHEREAS, on March 8, 2001, the Planning and Zoning Board conducted a public hearing and reviewed the proposed zoning change from Palm Beach County IL (Light Industrial) to the City of Riviera Beach IG (General Industrial) and forwarded its 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 of IG (General Industrial) to 1.73 acres of land located at the Northeast corner of the intersection of Westroads Drive and White Drive; The legal description is as follows:

The South 250 feet of tract "D" Plat No. 2, West Roads Business and Industrial Park, According to Plat thereof as recorded in Plat Book 29, Page 193, Public Records of Palm Beach County, Florida. Containing 75,420 square feet (1.73 acres) more or less.

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.

ORDINANCE NO. _____

PAGE -2-

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 31 days from 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 21st day of March 2001.

PASSED AND ADOPTED on Second Reading this 4th day of April 2001.

APPROVED:

[Signature]
MICHAEL D. BROWN, MAYOR

[Signature]
EDWARD RODGERS,
CHAIRPERSON

[MUNICIPAL SEAL]

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

[Signature]
DONALD R. WILSON

ATTEST:

[Signature]
GARRIE E. WARD, CMC/AAE
CITY CLERK

[Signature]
SYLVIA LEE BLUE
[Signature]
DAVID G. SCHNYER
COUNCIL MEMBERS

1st Reading

2nd & Final Reading

MOTIONED BY:

S. Blue

S. Blue

SECONDED BY:

E. Wade

E. Wade

E. RODGERS

aye

aye

E. WADE

aye

aye

D. WILSON

aye

aye

S. BLUE

aye

aye

D. SCHNYER

aye

aye

Reviewed as to legal sufficiency

[Signature]
City Attorney, City of Riviera Beach

Date: 3/13/01

ORDINANCE NO. 2895

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES BY CREATING SECTION 12A; SECTIONS 12A-1 TO 12A-6 TO BE ENTITLED "DRUG CONTROL AND VEHICLE IMPOUNDMENT"; SETTING FORTH CIRCUMSTANCES UNDER WHICH VEHICLES MAY BE IMPOUNDED; PROVIDING FOR AN ADMINISTRATIVE PENALTY FOR THE USE OF VEHICLES UNDER CERTAIN CIRCUMSTANCES; PROVIDING A PROCEDURE FOR REVIEW OF THE IMPOUNDMENT DECISION, AND A PROCEDURE FOR DISPOSITION OF UNCLAIMED VEHICLES; PROVIDING A CODIFICATION CLAUSE, A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, prostitution and drug related crimes are a threat to the health, safety, and public welfare of the City of Riviera Beach; and

WHEREAS, motor vehicles are routinely used to facilitate the commission of drug and prostitution related crimes; and

WHEREAS, the use of motor vehicles to facilitate the commission of drug and prostitution related crimes is destructive of the rights and values of the citizens of the City of Riviera Beach; and

WHEREAS, the City Council of the City of Riviera Beach finds that it is in the best interest of the City to seize and impound motor vehicles that are used to facilitate the commission of drug or prostitution related crimes thereby protecting the health, safety, and welfare of the citizens of the City of Riviera Beach; and

WHEREAS, Section 162.03(2) of the Florida Statutes provides that a Special Master be designated by the local governing body; and

WHEREAS, it would be economical and efficient for the Special Master to hear all cases involving violations of this Ordinance.

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

SECTION 1. Chapter 12 of the Code of Ordinances of the City of Riviera Beach, Florida is hereby amended by creating Chapter 12A, Sections 12A-1 to 12A-6 to be entitled "DRUG CONTROL AND VEHICLE IMPOUNDMENT" and to read and provide as follows:

CHAPTER 12A. DRUG CONTROL AND VEHICLE IMPOUNDMENT

Section 12A-1. Impoundment of motor vehicles; controlled substances and prostitution.

(a) A motor vehicle shall be subject to seizure and impoundment whenever a police officer has probable cause to believe that the vehicle:

(1) Contains any controlled substance or cannabis as defined in Chapter 893, Florida Statutes; or

(2) Was used in the purchase, attempt to purchase, sale, or attempt to sell such controlled substance, as defined in Chapter 893, Florida Statutes or cannabis; or

(3) Was used to facilitate the commission of an act of prostitution, assignation, or lewdness as defined in and pursuant to Section 796.07, Florida Statutes.

(b) Upon seizing the motor vehicle, the police officer shall:

(1) Provide for the towing of the vehicle to a City owned or City controlled facility, or to a facility controlled by the City's towing agent; and

(2) Notify in writing the person determined to be the owner of the vehicle, or any person who is found to be in control of the vehicle at the time of the seizure, of the seizure and impoundment of the vehicle as well as of the right to request a preliminary hearing pursuant to Section 12A-2.

(c) The notices to be given pursuant to this section shall be provided by hand delivery at the time of the seizure and impoundment of the vehicle, except if the vehicle owner is not available to receive such notice, or except if neither the vehicle owner nor the person in control of the vehicle at the time of the seizure is available to receive such notice, then in such circumstances, notice shall be provided to the vehicle owner by certified mail return receipt requested within forty-eight (48) hours of the time of impoundment excluding Saturdays, Sundays and legal holidays.

(d) This section shall not apply and the vehicle shall not be seized or impounded if:

ORDINANCE NO. 2895

- (1) The possession, use or sale of the controlled substance and/or cannabis is authorized by Chapter 893 or Chapter 499 of the Florida Statutes; or
- (2) The vehicle was stolen at the time that it was subject to seizure and impoundment; or
- (3) The vehicle was operating as a common carrier at the time it was subject to seizure and impoundment; or
- (4) A law enforcement agency has expressed its intent in writing to institute forfeiture proceedings on the vehicle.

Section 12A-2. Hearings: Administrative Penalty

(a) If the owner of the motor vehicle, or the owner's agent or authorized representative has made a written request for a preliminary hearing then:

(1) The City shall hold such preliminary hearing within forty-eight (48) hours of receipt of the written request, excluding Saturdays, Sundays, and legal holidays, before a Special Master or Alternate Special Master of the City of Riviera Beach. At the preliminary hearing, the City shall have the burden to establish that there is probable cause to believe that the motor vehicle is subject to impoundment and continued seizure under Section 12A-1. The formal rules of evidence shall not apply at the preliminary hearing. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient standing alone to support a finding.

(2) If, after the preliminary hearing, the Special Master or Alternate Special Master determines that there is probable cause to believe that the motor vehicle is subject to impoundment and seizure, the Special Master or Alternate Special Master shall order the continued impoundment of the vehicle unless the vehicle owner or the owner's agent or authorized representative pays the City an administrative civil penalty of five hundred dollars (\$500.00), plus the towing and storage costs, or posts with the City a bond in the form of a money order or a certified check in the amount of five hundred dollars (\$500.00), plus the accumulated costs of towing and storing the vehicle. If, after the preliminary

ORDINANCE NO. 2895

hearing, there is a finding of no probable cause, the vehicle shall be released forthwith to the owner or the owner's agent or authorized representative, without the imposition of penalties or fees.

(b) Within ten (10) days of the date that the motor vehicle is seized and impounded pursuant to Section 12A-1 and whether or not a preliminary hearing is requested, the City shall notify any person entitled to notice as defined in Chapter 932, Florida Statutes, the "Florida Contraband Forfeiture Act", by certified mail return receipt requested, of the date, time, and location of the final hearing to be conducted pursuant to this subsection. The final hearing shall be scheduled and held, unless waived by all persons entitled to notice or continued by order of the Special Master or Alternate Special Master, no later than forty-five (45) days after the date that the vehicle was seized and impounded. The formal rules of evidence will not apply at the final hearing. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient standing alone to support a finding. The City shall have the burden to show by a preponderance of the evidence that the vehicle was used as set forth in subsections 12A-1(a)(1), 12A-1(a)(2), or 12A-1(a)(3). If, after the final hearing, a finding is made that the vehicle is subject to continued seizure and impoundment pursuant to Section 12A-1, and that none of the exceptions set forth in Section 12A-1(d) apply, then the Special Master or Alternate Special Master shall enter an order finding the owner of the vehicle civilly liable to the City for an administrative penalty of five hundred dollars (\$500.00), plus towing and storage costs. If, after the final hearing, a finding is made that the City did not meet its burden of proof as set forth in this section or that one of the exceptions of Section 12A-1(d) apply, the vehicle shall be returned to the owner along with any bond posted.

(c)(1) A motor vehicle shall not be subject to continued seizure and impoundment under this ordinance unless the City establishes by a preponderance of the evidence that the owner either knew, or should have known after a reasonable inquiry, that the motor vehicle was being employed or was likely to be employed in criminal activity.

(2) A bona fide lienholder's interest that has been perfected in the manner prescribed by law prior to the seizure may not be seized unless the City establishes by a preponderance of the evidence that the lienholder had actual knowledge, at the time the lien was made, that the motor vehicle was being employed or was likely to be employed in criminal activity. If a lienholder's interest is not subject to seizure under the requirements of this section, such interest shall be preserved by the Special Master or Alternate

ORDINANCE NO. 2895

Special Master by ordering the leinholder's interest to be paid as provided in section 932.7055, Florida Statutes.

(3) A motor vehicle titled or registered between husband and wife jointly by the use of the conjunctives "and," "and/or," or "or," in the manner prescribed by law prior to the seizure, may not be seized under this ordinance unless the City establishes by a preponderance of the evidence that the coowner either knew or had reason to know, after reasonable inquiry, that such motor vehicle was employed or was likely to be employed in criminal activity.

(4) A vehicle that is rented or leased from a company engaged in the business of renting or leasing vehicles, which vehicle was rented or leased in the manner prescribed by law prior to the seizure, may not be seized and impounded under this ordinance, and no fine, penalty, or administrative charge, other than reasonable and customary charges for towing and storage, shall be imposed by the City on the company which rented or leased the vehicle, unless the City establishes by a preponderance of the evidence that the renter or lessor had actual knowledge, at the time the vehicle was rented or leased, that the vehicle was being employed or was likely to be employed in criminal activity. When a vehicle that is rented or leased from a company engaged in the business of renting or leasing vehicles is seized and impounded under this ordinance, upon learning the address or phone number of the company the City shall, as soon as practicable, inform the company that the vehicle has been seized and is available for the company to take possession upon payment of the reasonable and customary charges for towing and storage.

(5) Any interest in, title to, or right to a motor vehicle titled or registered jointly by the use of the conjunctives "and," "and/or," or "or" held by a coowner, other than a motor vehicle held jointly between husband and wife, may not be seized and impounded unless the City establishes by a preponderance of the evidence the coowner either knew, or had reason to know, after reasonable inquiry, that the vehicle was employed or was likely to be employed in criminal activity. When the interests of each culpable coowner are seized, any remaining coowners shall be afforded the opportunity to the seized interest in, title to, or right to the vehicle from the City. If any remaining coowner does not purchase such interest, the City may hold the property in coownership, sell its interest in the property, liquidate its interest in the property, or dispose of its interest in the property in any other reasonable manner.

ORDINANCE NO. 2895

(6) It is an affirmative defense to a seizure and impoundment proceeding that the nexus between the vehicle sought to be seized and the commission of any underlying violation was incidental or entirely accidental. The value of the vehicle sought to be seized in proportion to any other factors must not be considered in any determination as to this affirmative defense.

Section 12A-3. Administrative Penalty.

If an administrative penalty is imposed pursuant to Sections 12A-2, such penalty shall constitute a debt due and owing to the City. The vehicle owner's obligation to pay such debt to the City shall be independent of the City's return or release of the vehicle. If a cash bond has been posted pursuant to Section 12A-2, the bond shall be applied towards payment of the penalty.

Section 12A-4. Return of vehicle.

Except as provided otherwise in Section 12A-2, an impounded vehicle shall be returned to its owner, or to the person who is legally entitled to possess the vehicle, upon the payment to the City of the administrative penalty, plus any towing and storage fees accumulated, unless the vehicle has been sold, or otherwise disposed of to satisfy a judgment or enforce a lien as provided by law.

Section 12A-5. Appeal.

The owner of the motor vehicle that has been the subject of a seizure and impoundment pursuant to Sections 12A-1 and 12A-2 may appeal the rulings and decisions of the Special Master or the Alternate Special Master to the Circuit Court of the Fifteenth Judicial Circuit of Palm Beach County within thirty (30) days of the date of the order being appealed. The City may charge a reasonable fee for preparation of the record for purposes of making the appeal.

Section 12A-6. Unclaimed vehicles.

Any motor vehicle that is not reclaimed within sixty (60) days from the date of the order of the Special Master or Alternate Special Master subjecting the owner of the motor vehicle to an administrative civil penalty of five hundred dollars (\$500.00) pursuant to Section 12A-1, becomes unclaimed evidence pursuant to Section 705.101(6), Florida Statutes. Such unclaimed vehicle shall then be disposed of by the City pursuant to Section 705.105, Florida Statutes.

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SECTION 2. In construing any conflicts with ordinances in conflict herewith, this Ordinance shall have priority.

SECTION 3. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this ordinance may be renumbered to accomplish such intentions.

SECTION 4. If any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

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

SECTION 6. This ordinance shall take effect upon adoption by the city council.

PASSED and APPROVED on first reading this 18th day of April 2001.

PASSED and ADOPTED on second and final reading this 3rd day of July 2001.

Reviewed for legal sufficiency

BY: Pamela H. Ryan
Pamala H. Ryan
City Attorney

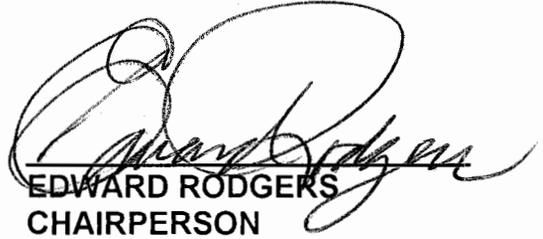
Date: 6/28/01

ORDINANCE NO. 2895

APPROVED:

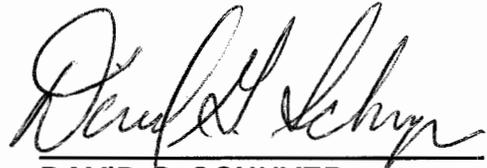


MICHAEL D. BROWN
MAYOR



EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)



DAVID G. SCHNYER
CHAIRPERSON PRO TEM

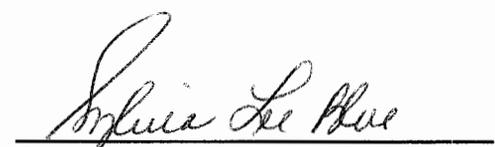
ATTEST:



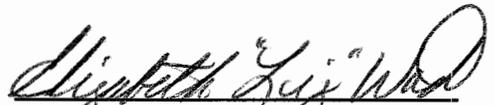
DONALD R. WILSON



CARRIE E. WARD, CMC/AE
CITY CLERK



SYLVIA LEE BLUE



ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

ORDINANCE NO. 2895

MOTIONED BY:
SECONDED BY:

S. Blue
D. Wilson

D. Wilson
E. Wade

1st Reading

2nd & Final Reading

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

aye
aye
aye
aye
aye

aye
aye
aye
aye
aye

ORDINANCE NO. 2896

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA. REPEALING SECTION 19-26 (RAILROAD CARS BLOCKING DESIGNATED FIRE CROSSINGS PROHIBITED ALL TIMES) OF THE CODE OF THE CITY OF RIVIERA BEACH, FLORIDA AND ADOPTING A NEW SECTION 19-26 ENTITLED "RAILROAD CARS BLOCKING DESIGNATED CROSSINGS"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH: PROVIDING A CODIFICATION CLAUSE, A SEVERABILITY AND A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 19-26 (Railroad cars blocking designated fire crossings prohibited at all times) of the Code of Ordinances of the City of Riviera Beach, Florida is hereby repealed and a new Section 19-26 is hereby created entitled "Railroad Cars Blocking Designated Crossings."

Sec. 19-26. Railroad Cars Blocking Designated Crossings.

Sec. 19-26.1. Automatic electric signal devices and crossing gates.

(a) All railroad companies operating within the City shall build, construct, maintain, and keep in good condition all railroad crossings pursuant to Chapters 357 and 338, Florida Statutes, and all rules and regulations of the Department of Transportation adopted thereto and by agreements with the City.

(b) At each street crossing where the streets of the city intersect at grade level, railroad tracks which are not main or passing tracks, such railroad companies shall either install automatic electric signal devices of the type herein specified or use a flagman to give warning to the approach of every train to such crossing.

Sec. 19.26.2. Speed of Trains.

(a) CSX System. It shall be unlawful to operate within the City any locomotive, train, track motor car or other vehicle self-propelled or otherwise traveling along and upon the CSX System railroad tracks at a speed in excess of:

<u>Rate of Speed</u>	<u>Area</u>
45 miles per hour	Between Silver Beach Road and Port Road

(b) Florida East Coast. It shall be unlawful to operate within the City any locomotive, train, track motor car or other vehicle self-propelled or otherwise traveling along and upon the Florida East Coast railroad tracks at a speed in excess of forty-five (45) miles per hour.

Sec. 19.26.3 Track motor cars, handcars, etc., to stop at railroad crossings.

Every track motor car, handcar or other vehicle so constructed as to be incapable of activating automatic safety gates and automatic crossing signal devices operating upon railroad tracks shall stop at every railroad crossing within the City where a City street intersects a railroad track at grade level and shall yield the right-of-way to traffic traveling along such intersecting street and shall not proceed across such intersection until the movement can be made with reasonable safety.

Sec. 19.26.4. Blocking of Railroad Crossings.

(a) The following crossings where the streets of the city intersect a railroad track at grade level are hereby designated as "emergency crossings" and are to remain unblocked by railroad traffic at all times except by moving trains.

(1) Such streets which intersect the Florida East Coast Railroad tracks are as follows:

- Blue Heron Boulevard
- Silver Beach Road
- 13th Street
- Port Road
- Australian Avenue (north of 13th Street or Avenue M)
- State Road 5 at the Port of Palm Beach
- State Road at the Port of Palm Beach
- State Road 710 east of Avenue S

(2) Such streets which intersect the Seaboard Coast Line Railroad Company tracks are as follows:

Military Trail at State Road 710

(b) No public street or vehicular crossing in the City of Riviera Beach shall be blocked, closed, or obstructed by a train, locomotive or other railroad vehicle for a period of more than ten (10) minutes except in emergencies and except for the following times as specifically stated:

(1) No railroad locomotive, railroad car, train or other railroad vehicle shall block, obstruct or close any public street or vehicular crossing in the City of Riviera Beach for longer than five (5) minutes, between the hours of:

5:45 a.m. to 8:30 a.m.;
2:20 p.m. to 4:30 p.m.; and
5:00 p.m. to 6:00 p.m.

Monday through Friday, except as set forth in paragraph (2) herein below.

(2) The Port Road crossing at Port Road and the Old Dixie Highway crossing because of its location immediately adjacent to the Port of Palm Beach and its railroad switching operations necessary to carry out its shipping operations, are exempted from the provisions of subsections (a) and (b) for blocking a crossing for a reasonable time for necessary switching operations during 7:00 p.m. and 7:00 a.m.; for periods of up to ten minutes each between the hours of 8:30 a.m. to 1:00 p.m.; for reasonable periods of time; and for periods of up to ten (10) minutes each between the hours of 4:00 p.m. and 6:00 p.m. At no time will switching operations close the Blue Heron crossing or interfere with traffic flow at the Blue Heron crossing.

Sec. 19.26.5. Railroad crossings to be cleared for emergency vehicles.

Railroad trains or equipment shall be separated, cut or moved to clear the railroad track crossing any public road or street within the City upon the approach of an emergency vehicle upon notification or by the sounding of sirens, flashing of lights, waving of flags or any other warning sufficient to attract attention to such emergency vehicle defined as follows:

(1) An ambulance responding to an emergency call or transporting a person under emergency conditions;

(2) A fire engine or other emergency vehicle engaged in the saving of life, property or responding to any other public peril;

(3) Any other emergency vehicle or any other vehicle when operated as an emergency vehicle defined as a vehicle which is engaged in the saving of life, property or responding to a public peril.

Sec. 19.26.6. Railroad personnel or Port of Palm Beach personnel liable for violations of this chapter.

The personnel of any railroad company operating or in charge of the operation of any train, railroad car or railroad equipment in violation of this chapter except in cases of emergency, shall be liable when it is due to the sole fault of such personnel and at all other times the railroad or Port of Palm Beach shall be responsible.

Sec. 19.26.7. Liability of railroad company or Port of Palm Beach for violation of this chapter by its agents and employees.

The railroad company of Port of Palm Beach shall be responsible for the acts of its agents or employees for the violation of this chapter unless such agent's employees are acting beyond the scope of their authority.

Sec. 19.26.8. Sounding train horns and whistles at signalized railroad crossings prohibited between 10:00 p.m. and 6:00 a.m.; City to erect warning signs for motorists.

It shall be unlawful for a railroad train, approaching a public at-grade crossing having train-activated automatic traffic-control devices, including flashing lights, bells and crossing gates, to emit an audible warning signal in advance of said intersection between the hours of 10:00 p.m. and 6:00 a.m. This prohibition shall not apply to any such intersection where the City has failed to erect traffic signs in accordance with state law announcing to motorists that railroad train horns and whistles will not be sounded during the said hours.

SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are and the same is hereby repealed.

SECTION 3. That should any section or provision of this ordinance to any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part thereof other than the part declared to be invalid.

SECTION 4. Specific authority is hereby granted to certify this ordinance.

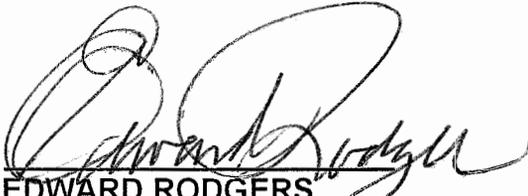
SECTION 5. This ordinance shall take effect in accordance with the law.

PASSED and APPROVED on first reading this 2nd day of May, 2001.

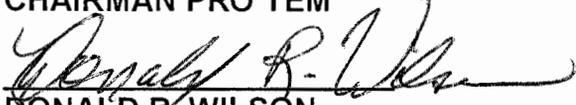
PASSED and ADOPTED on second and final reading this 16th day of May, 2001.

APPROVED:

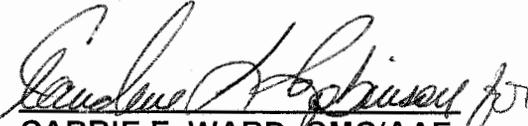

MICHAEL D. BROWN
MAYOR


EDWARD RODGERS
CHAIRMAN


DAVID G. SCHNYER
CHAIRMAN PRO TEM


DONALD R. WILSON

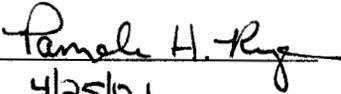
ATTEST:


CARRIE E. WARD, CMC/AAE
CITY CLERK


SYLVIA LEE BLUE


ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

Approved as to form only

By: 
Date: 4/25/01

PHR:dpm:rev-080800

MOTIONED BY: E. Rodgers

MOTIONED BY: E. WADE

SECONDED BY: S. Blue

SECONDED BY: S. BLUE

1st Reading

2nd & Final Reading

E. Rodgers

aye

AYE

D. Schnyer

aye

AYE

D. Wilson

nay

AYE

S. Blue

aye

AYE

E. Wade

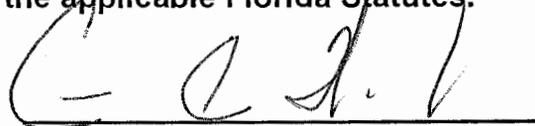
aye

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.

5/02/02
Date



Carrie E. Ward, CMC/AAE
City Clerk

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 10, ENTITLED "LICENSES AND BUSINESS REGULATIONS" OF THE CITY'S CODE OF ORDINANCES, BY CREATING ARTICLE VI, ENTITLED "TELECOMMUNICATIONS REGULATIONS"; PROVIDING THE TERMS AND CONDITIONS FOR THE ERECTING, CONSTRUCTING, AND MAINTAINING OF A TELECOMMUNICATIONS FACILITY IN THE CITY'S PUBLIC RIGHTS-OF-WAY FOR THE PROVISION OF TELECOMMUNICATIONS SERVICE; PROVIDING FOR CODIFICATION, CONFLICTS, SAVINGS, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, effective January 1, 2001, Section 337.401, Florida Statutes (2000), is amended to state that because federal and state law require the nondiscriminatory treatment of providers of telecommunications services and because of the desire to promote competition among providers of telecommunications services, it is the intent of the legislature that municipalities and counties treat telecommunications companies in a nondiscriminatory and competitively neutral manner when imposing rules and regulations governing the placement or maintenance of telecommunications facilities in the public roads or rights-of-way. Rules or regulations imposed by a municipality or county relating to the use of the roads or rights-of-way must be generally applicable to all telecommunications companies, and, notwithstanding any other law, may not require a telecommunications company to apply for or enter into an individual license, franchise or other similar agreement with the municipality or county as a condition of placing or maintaining telecommunications facilities in its roads or rights-of-way; and

WHEREAS, effective October 1, 2001, Section 337.401, Florida Statutes (2000), is further amended to state that because of the unique circumstances applicable to providers of communications services and the fact that federal and state law require the nondiscriminatory treatment of providers of telecommunications services, and because of the desire of the Florida Legislature to promote competition among providers of communications services, it is the intent of the Legislature that municipalities and counties treat providers of communications services in a nondiscriminatory and competitively neutral manner when imposing rules or regulations governing the placement and maintenance of communications facilities in the public roads or rights-of-way. Rules and regulations imposed by a municipality or county relating to the use of roads or rights-of-way must

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be generally applicable to all providers of communications services, and, notwithstanding any other law, such rules or regulations may not require a provider of communications services, to apply for or enter into an individual license, franchise or other similar agreement with the municipality or county as a condition of placing or maintaining communications facilities in its roads or rights-of-way;

WHEREAS, the City Council of the City of Riviera Beach has determined it is in the public interest of the City to permit the placement of one (1) or more Telecommunications Systems or Facilities in the Public Rights-of-Way of the City; and

WHEREAS, it is the intent of the City Council to encourage competition by providing access to the Public Rights-of-Way to the City on a nondiscriminatory basis; and

WHEREAS, Section 364.0361, Florida Statutes, requires that a local government treat Telecommunications Companies in a nondiscriminatory manner when exercising the authority to manage the Public Rights-of-Way; and

WHEREAS, Section 337.29 (3), Florida Statutes, provides that a municipality shall have the same governmental, corporate, and propriety powers with relation to any public road or right-of-way within the municipality which has been transferred to another governmental entity pursuant to s. 335.0415, that the municipality has with relation to other public roads and rights-of-way within the municipality; and

WHEREAS, it is the intention of the City Council to recognize the interests of Telecommunications Service Providers to install their facilities in Public Rights-of-Way as a means of promoting the use of such technology for the good of the people of the City; and

WHEREAS, it is the intent of the City Council to exercise the City's authority over the Telecommunications Service Providers' occupancy of the Public Rights-of-Way; and

WHEREAS, these policies are in complete accord with both the letter and the spirit of the Communications Act of 1934, as amended; and

WHEREAS, the enactment of the Telecommunications Act of 1996, amendments to applicable statutes of the State of Florida and developments

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in telecommunications technology and services have resulted in an increase in the number of persons certified by the Florida Public Service Commission to provide Telecommunications Services; and

WHEREAS, various Telecommunications Service Providers have requested the right to occupy the Public Rights-of-Way of the City for the purpose of installing, maintaining and operating Telecommunications Systems or Facilities; and

WHEREAS, it is the City's intent to treat each Telecommunications Service Provider on a competitively neutral and nondiscriminatory basis in granting access for use of the City's Public Rights-of-Way; and

WHEREAS, the Public Rights-of-Way subject to the jurisdiction and control of the City (1) are critical to the travel of persons and the transport of goods and other tangibles in the business and social life of the community by all citizens; (2) are a unique and physically limited resource and proper management by the City is necessary to maximize efficiency, minimize the costs to the taxpayers of the foregoing uses, and to minimize the inconvenience to and negative effects upon the public from such facilities' construction, placement, relocation, and maintenance in the Public Rights-of-Way; and (3) are intended for public uses and must be managed and controlled consistently with that intent; and

WHEREAS, it is the intent of the City to exercise its authority to impose fees and adopt reasonable rules and regulations to the fullest extent allowed by Federal and State law.

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

SECTION 1. Creation.

Chapter 10, Article VI, entitled "Telecommunications Regulations," is hereby created as follows:

Section 1. Title.

This Ordinance shall be known and may be cited as the Telecommunications Regulations Ordinance.

Section 2. Intent and Purpose.

It is the intent of the City of Riviera Beach to promote the public health, safety, and general welfare by providing for the use of the Public Rights-of-Way within the City, to adopt and administer reasonable regulations consistent with State and Federal Law, including Sections 337.401, 362.01, and 337.29(3) Florida Statutes, and the City's home-rule authority in accordance with the provisions of the Telecommunications Act of 1996, to provide for the payment of compensation and other consideration by a Telecommunications Service Provider to the City for the cost of regulating and maintaining the Public Rights-of-Way and for the privilege of using the Public Rights-of-Way within the City for constructing and maintaining Telecommunications Facilities, and to establish the reasonable regulations concerning the use of the Public Rights-of-Way by all Telecommunications Service Providers after the effective date of this Ordinance. In regulating its Public Rights-of-Way, the City shall be governed by and shall comply with all applicable Federal, State and local laws and regulations.

Section 3. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, 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 permit that might be granted hereunder shall be given the meaning set forth in the Communications Act of 1934, 47 U.S.C. § 151 et seq., as amended (collectively the "Communications Act"), and, if not defined therein, as defined by Florida Statute; and, if not defined therein, be construed to mean the common and ordinary meaning.

A. **"City"** means the City of Riviera Beach, an incorporated municipality of the State of Florida, in its present form or in any later reorganized, consolidated, or enlarged form.

B. **"Registrant" or "Facility Owner"** shall mean a Telecommunications Company or other person, which seeks to use or occupy the Public Rights-of-Way that has registered with the City in accordance with the provisions of this Ordinance.

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C. **"Registration" and "Register"** shall mean the process described in Section 4 whereby a Telecommunications Service Provider provides certain information to the City.

D. **"Gross Receipts"** shall mean all cash, credits or property of any kind or nature, with deductions for bad debt expense, reported as revenue items to the Registrant's audited income statements arising from, or attributable to Recurring Local Service Revenues of Registrant within the City. The City reserves the right to amend the definition contained herein as permitted by applicable Law. The definition herein shall not be applicable as of October 1, 2001; or such other date as provided by law, provided that Section 337.401, Florida Statutes is amended effective October 1, 2001, as set forth in Chapter 00-260, Laws of Florida, 2000.

E. **"Law"** means any local, State or Federal legislative, judicial or administrative order, certificate, decision, statute, constitution, ordinance, resolution, regulation, rule, tariff, guideline or other requirements, as amended, now in effect or subsequently enacted or issued including, but not limited to, the Communications Act of 1934, 47 U.S.C. § 151 et seq. as amended by the Telecommunications Act of 1996, Pub L. No. 104-104 § 101(a), 110 Stat. 70 codified at 47 U.S.C., and all orders, rules, tariffs, guidelines and regulations issued by the Federal Communications Commission or the governing State authority pursuant thereto.

F. **"Person"** means any individual, corporation, partnership, association, joint venture, estate, trust, syndicate, fiduciary, organization or legal entity of any kind, and any lawful trustee, successor, assignee, transferee or personal representative thereof, and all other groups or combinations and shall include the City to the extent the City obtains or holds a certificate under Chapter 364, Florida Statutes.

G. **"PSC"** means the Florida Public Service Commission.

H. **"Public Rights-of-Way"** means the surface, the airspace above the surface and the area below the surface of any public street, alley, viaduct, elevated roadway, bridge, public easement, or any other public way for which the City is the authority that has jurisdiction and control and may lawfully grant access to such property pursuant to applicable law. **"Public Rights-of-Way"** shall not include any real or personal City property except as described above and shall not include City buildings, fixtures, or other structures or improvements, regardless of whether they are situated in the Public Rights-of-Way.

I. **“Recurring Local Service Revenues”** means revenues from the monthly recurring charges for local service, including but not limited to (1) recurring basic area revenues derived from the provision of flat-rated basic area services; (2) recurring optional extended area revenues derived from the provision of optional extended area services; (3) local private line revenues derived from local services which provide communication between specific locations, either through dedicated circuits, private switching arrangements, predefined transmission paths, whether virtual or physical, or any other method of providing such services; (4) revenues from the sale of local services for resale; and (5) other local service revenues from the provision of secondary features that are integrated with the telecommunications network, including, without limitation, services such as call forwarding, call waiting, and touchtone line service. Except as provided herein, revenues from all recurring local services provided by a Registrant over a Telecommunications Facility or System in the Public Rights-of-Way shall constitute Recurring Local Service Revenues subject to this Ordinance. Recurring Local Service Revenues do not include revenues from (1) toll charges for the transmission of voice, data, video, or other information; (2) access charges paid by carriers for origination and/or termination of toll telephone service as defined in Section 203.012(7), Florida Statutes, or other charges required by the Federal Communications Commission which are directly passed through to end users; (3) interstate service; (4) ancillary services such as directory advertising, directory assistance, detailed billing services, inside wire maintenance plans, bad check charges, and non-recurring charges for installation, move, changes or termination services; (5) cellular mobile telephone or telecommunications services; or specialized mobile telephone or telecommunications service; or specialized mobile radio, or pagers or paging service, or related ancillary services; (6) public telephone charges collected on site; (7) teletypewriter or computer exchange services as defined in Section 203.012(6), Florida Statutes; or (8) local message rated (message, unit or time basis) and minutes of use charges in excess of the minimum flat-rated charges for similar services. This definition shall not be applicable as of October 1, 2001, or such other date as provided by law, provided that Section 337.401, Florida Statutes is amended effective October 1, 2001, as set forth in Chapter 00-260, Laws of Florida, 2000.

J. **“Telecommunications Company”** has the meaning set forth in Section 364.02(12), Florida Statutes, as amended. The term **“Telecommunications Company”** does not include an open video system or cable service provider.

K. **“Telecommunications Service”** shall include, without limitation, the transmission, conveyance or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, by and through electronic, radio, satellite, cable optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. **“Telecommunications Service”**, as contemplated herein, does not include the provision of service via an open video system or cable service provider, which shall require separate authorizations from the City. As of October 1, 2001, the term “Communications” shall be substituted for “Telecommunications”, provided that Section 337.401, Florida Statutes is amended effective October 1, 2001, as set forth in Chapter 00-260, Laws of Florida, 2000.

L. **“Telecommunications Service Provider”** shall refer to any person making available or providing Telecommunications Services, as defined herein, through the use of a Telecommunications Facility in the Public Rights-of-Way. As of October 1, 2001, the term “Communications” shall be substituted for “Telecommunications”, provided that Section 337.401, Florida Statutes is amended effective October 1, 2001, as set forth in Chapter 00-260, Laws of Florida, 2000.

M. **“Telecommunications Facilities”, “Facilities” or “Systems”** means any facility, equipment or property, including, but not limited to, cables, conduits, converters, splice boxes, cabinets, handholes, manholes, vaults, equipment, drains, surface location markers, appurtenances, located, to be located, used, or intended to be used, in the Public Rights-of-Way of the City to transmit, convey, route, receive, distribute, provide or offer Telecommunications Services. As of October 1, 2001, the term “Communications” shall be substituted for “Telecommunications”, provided that Section 337.401, Florida Statutes, is amended effective October 1, 2001, as set forth in Chapter 00-260, Laws of Florida, 2000.

Section 4. Registration.

A. Each Telecommunications Service Provider that desires to place, erect, construct, install, locate, maintain, repair, extend, expand, remove, or relocate any Telecommunications Facilities in, under, over or across any Public Right-of-Way in the City shall be considered to be using or occupying the rights-of-way and shall be required to Register with the City in accordance with the terms of this Ordinance.

ORDINANCE NO. 2897

B. Any Telecommunications Provider desiring to use the Public Right-of-Way shall file a Registration with the City which shall include the following information:

1. identity of the applicant and name, address and telephone number of applicant's primary contact person in connection with the Registration;
2. a statement of whether the applicant presently provides retail services to any telecommunications services customers within the jurisdictional limits of the City at the time of registration or whether the applicant simply intends to lease its facilities to other telecommunication service providers who will be providing direct service to retail customers within the jurisdictional limits of the City. This information will allow the City to follow up, with the Registrant, at the time the Registrant begins to make physical use of the Public Rights-of-Way, and allow the City to determine whether a linear mile charge is applicable in accordance with Section 5(B) of this Ordinance;
3. evidence of the insurance coverage required under this Ordinance and acknowledgment that Registrant has received and reviewed a copy of this Ordinance;
4. a copy of Federal and/or State Certification authorizing the applicant to provide Telecommunications Services.
5. a Security fund in accordance with this Ordinance.

C. The City will review the information submitted by the applicant. Such review will be conducted by the City Manager or the City Manager's designee. If the applicant submits information in accordance with Section B above, the Registration shall be effective and the City shall notify the applicant of the effectiveness of Registration in writing. If the City determines that the information has not been submitted in accordance with Section 4B above, the City shall notify the applicant of the non-effectiveness of Registration, and reasons for the non-effectiveness, in writing. The City shall so reply to an applicant within thirty (30) days after receipt of registration information from the applicant. Upon notification of the non-effectiveness of the Registration, nothing herein shall preclude the applicant from filing a

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subsequent application addressing the basis for the non-effectiveness. If the Registrant disputes the determination of non-effectiveness for the particular application submitted, the Registrant may file an appeal under Section 8(P). Failure to comply with the appeals section for the particular application found to be non-effective shall be sufficient grounds for the City to reject that particular application in the future. A Registrant may cancel a Registration upon written notice to the City noticing that it will no longer maintain Facilities in the Public Rights-of-Way and will no longer need to pull permits to perform work in Public Right-of-Way. Within 30 days of any change in the information required to be submitted pursuant to Section 4, Registrant shall provide updated information to the City.

D. A Registration shall not convey title, equitable or legal, in the Public Right-of-Way. Registrants may only occupy Public Rights-of-Way for Telecommunications Facilities. Registration does not excuse a Telecommunications Provider from obtaining appropriate access or pole attachment before locating its Facilities on another Person's facilities. Registration does not excuse a Provider from complying with all applicable City ordinances, including this Ordinance.

E. Each application for Registration or transfer shall be accompanied by a non-refundable application fee in the amount of Eight Hundred Dollars (\$800.00). The fee amount shall be equal to the City's costs and expenses incurred in connection with approving the Registration, transfer or renewal. If the application fee is insufficient to cover all costs or expenses incurred by the City in connection with approval of the Registration or transfer the applicant shall reimburse the City for any such costs and expenses in excess of the application fee. Fee amounts may be amended from time to time, by Resolution of the City Council, for the purpose of complying with this provision. This application fee may be credited against fees due under Section 5.

F. Registration with the City shall be nonexclusive. Registration does not establish any priority for the use of the Public Right-of-Way by a Registrant or any other Registrants. Registrations are expressly subject to any future amendment to or replacement of this Ordinance and further subject to any additional City Ordinances, as well as any state or federal laws that may be enacted during the term of the Registration.

Section 5. Fees and Payments.

A. In consideration for the rights, privileges, and permission granted hereunder, a Registrant hereunder shall pay to the City annually a sum equal to one percent (1%) of Gross Receipts of the Registrant on Recurring Local Service Revenues for services provided within the corporate limits of the City. Included within such one percent (1%) maximum fee or consideration are all taxes, licenses, fees, in-kind contributions accepted pursuant to Section 337.401(5), Florida Statutes, and other impositions except *ad valorem* taxes and amounts for assessments for special benefits, such as sidewalks, street pavings, and similar improvements, and occupational license taxes levied or imposed by the City upon a Registrant. In the event that applicable law currently permits or is amended to permit the City to collect a fee higher than one percent (1%), or permits the City to calculate the fee on revenues not specified herein, the Registrant shall pay following written notice from the City, its fee payments to the City to that higher amount on the effective date of such law. In the event applicable law is amended to require the City to collect a fee lower than the current statutory limit, the City shall take all necessary steps to conform the requirements hereof to applicable law. All of the aforestated payments shall be made to the City quarterly, with such payments made within twenty (20) days following the end of each calendar quarter. Payments received after the due date stated herein shall be subject to interest in accordance with the interest rate identified in Section 55.03, Florida Statutes, or its successors.

B. A Registrant, that makes physical use of the Public Rights-of-Way and who is not providing Telecommunications Services as defined in Section 203.012(3), Florida Statutes, within the jurisdictional limits of the City at the time the Registrant begins to make physical use of the Public Rights-of-Way, shall pay to the City annually no less than Five Hundred Dollars (\$500) per linear mile of any cable, fiber optic, or other pathway that makes physical use of the Public Rights-of-Way. The City may adopt additional fees or other consideration, provided that any fee or other consideration imposed by the City in excess of Five Hundred Dollars (\$500) per linear mile shall be applied in a nondiscriminatory manner and shall not exceed the sum of:

- (1) Costs directly related to the inconvenience or impairment solely caused by the disturbance of the Public Rights-of-Way;
- (2) The reasonable cost of the regulatory activity of the City;
and

- (3) The proportionate share of cost of land for such street, alley or other public way attributable to utilization of the Public Rights-of-Way by a Telecommunications Service Provider.

The fee or other consideration imposed pursuant to this subsection shall not apply in any manner to any Telecommunications Company which provides Telecommunications Services as defined in Section 203.012(3), Florida Statutes, for any services provided by such Telecommunications Company.

C. Notwithstanding anything herein to the contrary, the City shall at all times hereby require the maximum compensation allowed under applicable law.

D. Except to the extent prohibited by applicable law: (1) the fee payments to be made pursuant to this Section shall not be deemed to be in the nature of a tax; (2) such fee payments shall be in addition to any and all taxes of a general applicability; (3) a Registrant shall not have or make any claim for any deduction or other credit of all or any part of the amount of said fee payments from or against any of said City taxes or other fees or charges of general applicability which Registrant is required to pay to the City, except as required by Law; and (4) the fee specified herein is the consideration for use of the Public Rights-of-Way, including all public easements, for the purpose of installing and maintaining a Telecommunications Facility.

E. The payments required under Subsection 5(A) shall not apply as of October 1, 2001. Additionally, after October 1, 2001, subsection 5(B) shall continue to apply to any person or entity that does not directly serve a communications services customer at retail within the jurisdictional limits of the City at the time the person or entity makes physical use of the rights-of-way.

Section 6. Reports and Records.

A. The City may, at its option, upon sixty (60) days notice to the Registrant, but in no event more often than once per year, examine the records and accounting files, and such other books and records, if such records relate to the calculation of fee payments. The examination of such books, accounts, records or other materials necessary for determination of compliance with the terms, provisions, and requirements of this Ordinance

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shall be during regular hours of business of the Registrant at an office of the Registrant located within the County, or at another location satisfactory to the City. In the event that the City, pursuant to an audit, determines that there exists a discrepancy in the amount paid and the amount owed to the City by the Registrant in excess of two percent (2%), Registrant shall pay all reasonable costs, fees and expenses of the audit. This paragraph shall not apply for periods after October 1, 2001, or such other date as provided by law, provided that Section 337.401, Florida Statutes, is amended effective October 1, 2001, as set forth in Chapter 00-260, Laws of Florida, 2000.

B. Upon reasonable request, a Registrant shall provide the following documents to the City as received or filed:

- (1) Any pleadings, petitions, notices, and documents, regarding any legal proceeding involving any provisions of this Ordinance which are reasonably necessary for the City to protect its interests under this Ordinance.
- (2) Any request for protection under bankruptcy laws, or any judgment related to a declaration of bankruptcy.
- (3) Nothing in this section shall affect the remedies the Registrant has available under applicable law.

C. In addition, the City may, at its option, and upon reasonable notice to the Registrant, inspect the Facilities in the Public Rights-of-Way to ensure the safety of its residents.

D. The City shall keep any documentation, books and records of the Registrant confidential to the extent required under Florida Statutes.

Section 7. Underground Installation; Relocation.

A. To the extent required by applicable City rules and regulations and not inconsistent with applicable PSC rules and regulations, a Registrant shall install its Facilities underground.

B. Every Registrant which places or constructs Telecommunications Facilities underground shall maintain appropriate participation in the regional notification center for subsurface installations.

C. Any Telecommunications Facilities heretofore or hereafter placed upon, under, over, or along any Public Rights-of-Way that is found by the City to be unreasonably interfering in any way with the convenient, safe or continuous use or the maintenance, improvement, extension or expansion of such Public Rights-of-Way shall, upon written notice to the Registrant or its agent, be removed or relocated, within thirty (30) days of such notice, by such Registrant at its own expense in accordance Section 337.403, Florida Statutes. The City Manager may extend the time within which a Registrant shall remove or relocate a Telecommunications Facility, for good cause shown.

D. The Registrant shall not in any way displace, damage, or destroy any facilities, including, but not limited to, gas, sewer, water main, pipe cable, conduit, fiber optic, or other pathway or any other facilities belonging to the City. The Registrant shall be liable to the City for the costs of any repairs or replacements made necessary by any such displacement, damage or destruction, of facilities belonging to the City, and the Registrant shall pay such costs upon demand. In the case of an emergency, the City may commence repairs without any prior notice to the Registrant. The term emergency shall mean a condition that may affect the public's health, safety or welfare. In the event of an emergency the City may cause the repairs to be made at the Facility owner's expense, utilizing City employees, agents or contractors, charge any and all costs, and require reimbursement within thirty (30) days after the submission of the bill by the City to the Registrant. In all other non-emergency circumstances, the Registrant shall be given prior written notice. If such repairs are not performed in a reasonable and satisfactory manner within the thirty (30) calendar days after receiving notice, the City may, cause the repairs to be made at the Facility owner's expense, utilizing City employees, agents or contractors, charge any and all costs, and require reimbursement within thirty (30) days after the submission of the bill by the City to the Registrant.

E. Subject to Section 337.403, Florida Statutes, whenever an order of the City requires such removal or change in the location of any Telecommunications Facility from the Public Rights-of-Way, and the Facility owner fails to remove or change the same at its own expense to conform to the directive within the time stated in the notice, the City may proceed to cause the Telecommunications Facility to be removed. The expense thereby incurred except as provided in Section 337.403(1)(a)-(c), Florida Statutes, shall be paid out of any money available therefore, and such expense shall be charged against the owner of the Telecommunications Facility and levied, collected and paid to the City.

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F. Subject to Section 337.404, Florida Statutes, whenever it shall be necessary for the City to remove or relocate any Telecommunications Facility, the owner of the Telecommunications Facility, or the owner's chief agent, shall be given written notice of such removal or relocation and requiring the payment of the costs thereof, and shall be given reasonable time, which shall not be less than twenty (20) nor more than thirty (30) days in which to file an appeal with the City Council to contest the reasonableness of the order. Upon receipt of a written appeal, the City Council shall place the matter on the Council's agenda for consideration within forty-five (45) working days. Should the owner or the owner's representative not appear the determination of the cost to the owner shall be final, in accordance with Section 337.404, Florida Statutes.

G. A final order of the City imposed pursuant to Florida Statutes, and applicable provisions of the City Code, if any, shall constitute a lien on any property of the owner and may be enforced as provided by Florida Statutes and any applicable provisions of the City Code.

H. The City retains the right and privilege to cut or move any Facilities located within the Public Rights-of-Way of the City, as the City Manager in his/her reasonable discretion may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the City shall attempt to notify the owner of the Facility, if known, prior to cutting or removing a Facility and shall notify the owner of the Facility, if known, after cutting or removing a Facility.

I. Upon abandonment of a Facility within the Public Rights-of-Way of the City, the owner of the Facility shall notify the City within ninety (90) days. Following receipt of such notice, the City may direct the Facility owner to remove all or any portion of the Facility if the City determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the City does not direct the removal of the abandoned Facility by the owner of the Facility, and the facility owner chooses not to remove its facilities, then such owner, by its notice of abandonment to the City, shall be deemed to consent to the alteration or removal of all or any portion of the Facility by another utility or person.

Section 8. Use of Rights-of-Way.

A. A Facility owner agrees at all times to comply with and abide by all applicable provisions of the State statutes and local laws including, but not

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limited to, applicable zoning regulations not inconsistent with State and Federal laws.

B. Except in the case of an emergency, no Telecommunications Service Provider shall construct any Facility on, over, above, along, upon, under, across, or within any Public Right-of-Way which disrupts the Public Rights-of-Way without first filing an application with and obtaining a permit from the City therefore, pursuant to applicable permitting requirements of the City, and other applicable City Code requirements, except as otherwise provided in this Ordinance. The term emergency shall mean a condition that affects the public's health, safety or welfare, which includes unplanned out of service condition of a pre-existing service. Registrant shall still be required to provide prior notice to the City in the event of an emergency. For the purposes of the notice requirements herein, the City shall provide the Registrant with a City contact who will be available 24 hours a day, 7 days a week. Unless otherwise required by the City Code, the City may waive the permit requirement in cases where there will be no disruption of the Public Rights-of-Way.

C. As part of any permit application, with respect to new or existing facilities, where applicable, in the Public Rights-of-Way, the Registrant shall provide a proposal for construction of the Telecommunications Facility that sets forth at least the following:

- (1) An engineering plan signed and sealed by a Florida Registered Professional Engineer or prepared by a person who is exempt from such registration requirements as provided in Section 471.003, Florida Statutes, identifying the location of the proposed Facility, including a description of the Facilities to be installed, where it is to be located, and the approximate size of Facilities and equipment that will be located in, on, over, or above the Public Rights-Of-Way.
- (2) A description of the manner in which the System will be installed (i.e. anticipated construction methods and/or techniques), the time required to construct the System, a maintenance of traffic plan for any disruption of the Public Rights-of-Way, information on the ability of the Public Rights-of-Way to accommodate the proposed System, if available (such information shall be provided without certification as to correctness, to the extent obtained from

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other users of the Public Rights-of-Way), and, if appropriate given the System proposed, an estimate of the cost of restoration to the Public Rights-of-Way. Such plan shall include the timetable for construction for each phase of the project, and the areas of the City which will be affected.

- (3) The City may request such additional information as it finds reasonably necessary to review an application for a permit to perform work in the Public Rights-of-Way.

D. The City shall have the power to prohibit or limit the placement of new or additional facilities within the Public Rights-of-Way, if there is insufficient space to accommodate all of the requests to occupy or use the rights-of-way, for the protection of existing facilities in the Public Rights-of-Way, or for City plans for public improvements or development projects which have been determined by the City to be in the public interest. Nothing in this Ordinance shall affect the City's authority to add, vacate, or abandon Public Rights-of-Way, and the City makes no warranties or representations regarding the availability of any added, vacated or abandoned Public Rights-of-Way for Communications Facilities.

E. All Facilities shall be installed, located and maintained so as not to unreasonably interfere with the use of the Public Rights-of-Way by the public and to cause unreasonable interference with the rights and convenience of property owners who adjoin any of the Public Rights-of-Way. The Registrant shall be liable for costs and expenses for the displacement, damage or destruction of any irrigation system or landscaping within the Public Rights-of-Way, to the extent not covered by the construction bond. The Registrant shall make such repairs upon request of the affected property owner. In the event the Registrant fails to make the appropriate repairs, to restore such property to as good a condition as existed prior to commencement of work, the affected property owner may file a complaint with the City Manager or a designee. In this instance, the Registrant shall be given prior written notice of the necessary repairs by the City Manager or his designee. If such repairs are not performed in a reasonable and satisfactory manner within the thirty (30) calendar days after receiving notice, the City may cause the repairs to be made at the Facility owner's expense, utilizing City employees, agents or contractors, charge any and all costs, and require reimbursement within thirty (30) days after the submission of the bill by the City to the Registrant. After thirty (30) days, the City may obtain reimbursement from the security fund. The "prior written notice" described in

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this paragraph shall be considered a final written decision for purposes of the appellate rights outlined in Subsection (P) of this Section.

F. The use of trenchless technology (i.e., directional bore method) for the installation of Facilities in the Public Rights-of-Way as well as joint trenching and/or the co-location of facilities in existing conduit is strongly encouraged, and should be employed wherever possible.

G. The City Manager may issue such additional rules and regulations concerning the placement or maintenance of a Telecommunications Facility in the Public Rights-of-Way, as may be consistent with applicable Law and not inconsistent with this Ordinance.

H. All safety practices required by applicable Law or accepted industry practices and standards shall be used during construction, maintenance, and repair of the Telecommunications Facilities.

I. In the event that at any time during the term of the rights granted herein the City shall lawfully elect to alter, or change the grade of, any Public Rights-of-Way, upon reasonable notice by the City, the Registrant shall make any necessary removals, relaying and relocations of its Telecommunications Facilities at its own expense, in accordance with applicable Law. The City reserves the right to place and maintain, and permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications or other types of facilities, cables or conduits, and to do, and to permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the City in the Public Rights-of-Way occupied by the Registrant.

J. A Facility owner shall obtain any and all required permits and pay any and all required fees before commencing any construction on or otherwise disturbing any Public Rights-of-Way as a result of its construction, except as provided herein. The Facility owner shall, at its own expense, restore such property to as good a condition as existed prior to commencement of work. A Registrant shall guarantee its restoration for a period of twelve (12) months after the completion of such restoration. If such restoration is not performed in a reasonable and satisfactory manner within thirty (30) calendar days after the completion of construction, the City may, after prior written notice to Registrant, cause the repairs to be made at the Facility's owner expense, utilizing City employees, agents or contractors, charge any and all costs, and require reimbursement within thirty (30) days after the submission of the bill by the City to the Registrant. A permit from the

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City constitutes authorization to undertake only certain activities on Public Rights-of-Way in accordance with this Ordinance, and does not create a property right or grant authority to impinge upon the rights of others who may have an interest in the Public Rights-of-Way.

K. All ongoing installation, construction and maintenance of a Telecommunications Facility located in the Public Rights-of-Way shall be subject to the City's periodic inspection for compliance with this Ordinance, or any applicable provisions of the City Code.

L. The City makes no warranties or representations regarding the fitness, suitability or availability of the City's Public Rights-of-Way for the Registrant's Communications Facilities and any performance of work, costs incurred or services provided by Registrant shall be at Registrant's sole risk.

M. A Facility owner shall cooperate with the City by providing timely and complete information requested under this subparagraph. Upon completion of any installation or construction of new facilities in the Public Right-of-Way, at no cost to the City, the Facility Owner shall provide such information, as may be requested, showing the exact location of its facilities and structures, including but not limited to, as-built plans, maps, geographical information systems, plats, construction documents, drawings and any other information the City may find reasonably necessary. Such plans shall be provided in digitized format showing the two-dimensional location of the Facilities based on the City's Geographical Database datums, or other format acceptable to the City Manager. All information required by this section shall be maintained in accordance with Section 202.195, Florida Statutes.

N. Subject to Subsection P below, the City Manager or a designee may suspend or deny a permit for work in the Public Rights-of-Way for one or more of the following reasons:

- (1) violation of permit conditions, including conditions set forth in this Ordinance or other applicable provisions of the City Code or regulations governing use of Public Rights-of-Way; or
- (2) misrepresentation or fraud by Registrant in a Registration or permit application to the City; or
- (3) failure to relocate or remove facilities as may be lawfully required by the City; or

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- (4) failure of Registrant, its employees, agents or subcontractors, in connection with the subject permit, to (a) place barricades or signs around the work area, (b) take reasonable safety precautions to alert the public of work at the work site, or (c) repair, replace and restore any sidewalk, street, alley, pavement, water, sewer or other utility line or appurtenance, soil, landscaping, dirt or other improvement, property or structure of any nature. In the event of such failure, the City may perform the work utilizing City employees, agents or contractors, charge any and all costs, and require reimbursement within thirty (30) days after the submission of the bill by the City to Registrant.

O. Immediately after the suspension or denial of permit pursuant to this Section, the City shall provide written notice of the violation, which notice shall contain a description of the violation. A Final written decision(s) of the City Manager suspending a permit or denying an application is subject to appeal. Upon correction of any violation that gave rise to a suspension or denial of permit, the suspension or denial shall be lifted.

P. An appeal must be filed with the City within thirty (30) days of the date of the final, written decision(s) to be appealed. Any appeal not timely filed shall be waived. The City Council shall hear the appeal no later than forty-five (45) days from the end of the thirty (30) day appeal period, unless waived by the Registrant.

Q. In the event Registrant desires to use its existing facilities or to construct new facilities for the purpose of providing other utility or non-utility services to existing or potential consumers, by providing cable services, or any other services other than the provision of telecommunications service, or for providing any other use to existing or potential consumers, a Registrant shall seek such additional and separate authorization from City for such activities as may required by applicable law. In the event that a Registrant is acting in its proprietary function as a retail provider of telecommunications equipment or appliances, Registrant shall seek the appropriate permits and licenses from the City.

R. To the extent that any Person or Registrant leases or otherwise uses the facilities of an entity that is duly registered or otherwise authorized to place and maintain facilities in the Public Rights-of-Way of the City, the

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Person or Registrant shall make no claim, nor assert any right, which will impede the lawful exercise of the City's rights, including requiring the removal of such facilities from the Public Rights-of-Way of the City, regardless of the effect on the Persons ability to provide service or on the Registrant's ability to maintain its own telecommunications facilities in the Public Rights-of-Way of the City. Any Person or Registrant leasing or otherwise using the facilities of a Registrant or other entity authorized to place and maintain facilities in the Public Rights-of-Way, may provide the City with notice of its use of such facilities, describing the location of the facilities used and providing the City with an address to which notices from the City should be sent. In the event the City exercises its lawful authority to require the removal or relocation of any such facilities, under this provision, such Person or Registrant leasing or otherwise using the facilities of a Registrant or other entity authorized to place and maintain facilities in the Public Rights-of-Way, shall receive notice from the City of such removal or relocation of such facilities. The failure of the City to provide notice, under this paragraph, shall not render the City's actions under this paragraph invalid.

Section 9. Termination of Registration.

The involuntary termination of a registration may only be accomplished by an action of the City Council. The City may declare the registration terminated and revoke and cancel all privileges granted under that registration if (a) a federal or state authority suspends, denies, or revokes a Registrant's certification to provide telecommunications service, (b) the Registrant is adjudicated bankrupt by a United States District Court or through any legal proceeding of any kind, or that a receiver is appointed to take possession of the assets of the Registrant, (c) the Registrant abandons all of its facilities. Prior to such termination by the City resulting from a violation of any of the provisions of this subparagraph, the Registrant shall be notified by the City Manager with a written notice setting forth all matters pertinent to such violation, and describing the action of the City with respect thereto. The Registrant shall have sixty (60) days after receipt of such notice within which to cure the violation, or within which to present a plan, satisfactory to the City Council, to accomplish the same. In the event of an emergency, the City may take appropriate action in accordance with Section 7(D) of this Ordinance. In the event of a vote by the City Council to terminate, the Registrant shall, within a reasonable time following such termination, remove or abandon the facilities and take such steps as are necessary to render every portion of the facilities remaining within the public right-of-way of the City safe. If the Registrant has either abandoned its facilities or chooses to abandon its facilities, the City may either (1) require

the Registrant's bonding company to remove some or all of the facilities from the public right-of-way and restore the public right-of-way to its proper condition or (2) the City may require that some or all of the facilities be removed and the public right-of-way restored to its proper condition at the Registrant's expense, utilizing City employees, agents or contractors, and charge any and all costs, and require reimbursement. The obligations of the Registrant and the bonding company hereunder shall survive, for a period of twenty-four (24) months from, the termination of the registration. In the event of a termination of registration, this provision does not permit the City to cause the removal of any facilities that are used to provide another service for which the Registrant holds a valid certification with the governing federal and state telecommunications agencies and is properly registered with the City, for such certificated service, under this Ordinance.

Section 10. Compliance with Other Laws; Police Power.

A Facility owner shall at all times be subject to and shall comply with all applicable Federal, State and local Laws. A Facility owner shall at all times be subject to all lawful exercises of the police power of the City, to the extent not inconsistent with applicable Laws.

Section 11. Transfer of Control; Sale or Assignment.

A. If the Registrant transfers or assigns its Registration incident to a sale or other transfer of the Registrant's assets, the transferee or assignee shall be obligated to comply with the terms of this Ordinance. Written notice of any transfer, sale or assignment shall be provided to the City within twenty (20) days of the effective date of the transfer, sale or assignment. In order for the transfer of Registration to be effective, the transferee or assignee must comply with the registration requirements under Section 4 of this Ordinance.

B. Notwithstanding anything in this Ordinance, pledges in trust or mortgages or other hypothecations of the assets of the Registrant to secure the construction, operation or repair of its Telecommunications Facilities may be made to any person without notice to the City. Any mortgage, pledge, lease or other encumbrance of the Telecommunications Facilities shall be subject and subordinate to the rights of the City by virtue of this Ordinance or other applicable law.

Section 12. Insurance; Surety; Indemnification.

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A. A Facility owner shall at all times maintain the following liability insurance coverage insuring the Registrant and naming the City, its officers, boards, Council, Council members, agents and employees as additional insureds: worker's compensation and employer liability insurance to meet all requirements of Florida law and commercial general liability insurance with respect to the construction, operation and maintenance of the Telecommunications Facilities, and the conduct of Registrant's business in the City, in the minimum amounts of:

- (1) \$250,000 for property damage in any one accident:
- (2) \$500,000 for personal bodily injury to any one person: and
- (3) \$1,000,000 for personal bodily injury in any one accident.

B. All insurance policies shall be with sureties qualified to do business in the State of Florida; shall be with sureties with a minimum rating of A-1 in Best's Key Rating Guide, Property/Casualty Edition except as provided in (D) below. 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. A registrant may provide a portion of the insurance coverage required by Section 12(A) through excess or umbrella policies of insurance and where such policies are in a form acceptable to the City's Risk Manager.

C. A Registrant shall keep on file with the City certificates of insurance which certificates shall indicate that the City, its officers, boards, Council, Council members, agents and employees are listed as additional insureds. In the event of a potential claim such that the City claims insurance coverage, the Facility owner shall immediately respond to all reasonable requests by the City for information with respect to the scope of the insurance coverage.

D. The certificates of insurance 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 Registrant shall not cancel any required insurance policy without submission of proof that the Registrant has obtained alternative insurance satisfactory to the City which complies with this Ordinance. A Registrant that elects to self-insure all or a portion of the insurance coverage and limit requirements required by this Section is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under this Section. A

Registrant that elects to self-insure shall provide to the City evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under this Section, such as evidence that the Registrant is a "private self insurer" under the Workers Compensation Act. For purposes of this Section, "self-insure" shall also include a Registrant which insures through a "captive insurer" as defined in Section 628.901, Florida Statutes.

E. A Registrant shall, at its sole cost and expense, release, indemnify, hold harmless, and defend the City, its officials, boards, members, agents, and employees, against any and all claims, suits, causes of action, proceedings, judgments for damages or equitable relief, and costs and expenses, sustained by the City, arising out of the construction, maintenance or operation of its Telecommunications System or Facilities in the Public Rights-of-Way, regardless of whether the act or omission complained of is authorized, allowed or prohibited by this Ordinance, provided, however, that a Facility Owner's obligation hereunder shall not extend to any claims caused by the negligence of the City. City agrees to notify the Registrant, in writing, within a reasonable time of the City receiving notice, of any issue it determines may require indemnification. Nothing in this Section shall prohibit the City from participating in the defense of any litigation by its own counsel and at its own cost if in the City's reasonable belief there exists or may exist a conflict, potential conflict or appearance of a conflict. Nothing contained in this provision shall be construed or interpreted (1) as denying to either party any remedy or defense available to such party under the laws of the State of Florida, and (2) as a waiver of sovereign immunity beyond the waiver provided in Section 768.28, Florida Statutes.

Section 13. Construction Bond.

A. Except in the case of an emergency, as described in Section 8(B) of this Ordinance, prior to performing any work in the Public Rights-of-Way, a Registrant shall establish in the City's favor a construction bond in an amount specified in an engineering permit or other authorization as necessary to ensure the Registrant's faithful performance of the construction in the Public Rights-of-Way, in accordance with applicable sections of the City Code. The amount of the construction bond shall be as set forth in the engineering permit, and may be modified in the City Manager's reasonable discretion, based on the cost of the restoration to take place in the Public Rights-Of-Way, and any previous history of the Registrant concerning restoration within the Public Rights-of-Way of the City. The City, in its discretion, may request a certified estimate of the cost of restoration by a

ORDINANCE NO. 2897

Florida Registered Professional Civil Engineer or certified by a Person who is exempt from such requirements as provided in Section 471.003, Florida Statutes.

B. In the event a Registrant subject to such a construction bond fails to complete the work in a safe, timely and competent manner in accordance with the provisions of the permit, there shall be recoverable, 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 Registrant, or the cost of completing the work, plus a reasonable allowance for attorneys' fees, up to the full amount of the bond.

C. Twelve (12) months after completion of the construction and satisfaction of all obligations in accordance with the bond, the City shall eliminate the bond. Notwithstanding, the City may require a new bond for any subsequent work performed in the Public Right-of-Way.

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 provide that:

"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, or at law or equity.

F. The rights reserved to the City under this Section are in addition to all other rights of the City, whether reserved in this Ordinance, or authorized by other law, and no action, proceeding or exercise of a right with respect to the construction bond will affect any other right the City may have.

Section 14. Security Fund.

At the time of registration, the Registrant shall file with the City, for City approval, a cash security, a bond, or irrevocable letter of credit, in the sum of Twenty Five Thousand Dollars (\$25,000.00), in a form acceptable to the City Manager or a designee. For purposes of the bond and irrevocable

ORDINANCE NO. 2897

letter of credit, the Registrant must have as a surety a company qualified to do business in the State of Florida. The cash security, bond, or irrevocable letter of credit, shall be to secure the full and faithful performance by the Registrant of all requirements, duties and obligations imposed upon Registrant by the provisions of this Ordinance, and to pay any taxes, fees or liens owed to the City. The bond or irrevocable letter of credit shall be furnished annually, or as frequently as necessary, and shall provide a continuing guarantee of the Registrant's full and faithful performance at all times. Should the City draw upon the cash security, bond, or irrevocable letter of credit, the City shall promptly notify the Registrant, and the Registrant shall promptly restore the cash security, annual bond, or irrevocable letter of credit, to full required amount. In the event a Registrant fails to perform its duties and obligations imposed upon the Registrant by the provisions of this Ordinance, subject to Section 15 below, there shall be recoverable, 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 or indemnification, plus a reasonable allowance for attorneys' fees, up to the full amount of the Fund. The case security, bond or letter of credit may be waived by the City where the City determines that the Security Fund is not necessary to secure the required performance under this Ordinance. The City may from time to time increase the amount of the security fund to reflect the increased risks to the City and to the public.

Section 15. Enforcement Remedies.

A. In addition to any other remedies available at law or equity or provided in this Ordinance, the City may apply any one or combination of the following remedies in the event a Registrant violates this Ordinance, or applicable local law or order related to use of the Public Rights-of-Way:

- (1) Failure to comply with the provisions of this Ordinance or other law applicable to users and/or occupants of the Public Rights-Of-Way may result in imposition of penalties to be paid by the Registrant to the City in an amount of not less than One Hundred Dollars (\$100.00) per day or part thereof that the violation continues.
- (2) A Registrant's failure to obtain a permit before commencing work, except in cases of an emergency, may result in imposition of penalties to be paid to the City in an amount of not less than One Thousand Dollars

ORDINANCE NO. 2897

(\$1,000.00) per day or part thereof that the violation continues.

- (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. Before imposing a fine pursuant to this Section, the City shall give written notice of the violation and its intention to assess such penalties, which notice shall contain a description of the alleged violation. Following receipt of such notice, the Registrant shall have thirty (30) days to either: (1) cure the violation and the City shall make good faith reasonable efforts to assist in resolving the violation, or (2) file an appeal in accordance with Section 8(P). If the violation is not cured within that thirty (30) day period, and no appeal is filed, the City may collect all fines owed, beginning with the first day of the violation, either by removing such amount from the Security Fund or through any other means allowed by law.

C. 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.

D. Failure of the City to enforce any requirements of 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.

E. In any proceeding before the City Council wherein there exists an issue with respect to a Registrant's performance of its obligations pursuant to this Ordinance, the Registrant shall be given the opportunity to provide such information as it may have concerning its compliance with the terms of the Ordinance. The City Council may find a Registrant that does not demonstrate compliance with the terms and conditions of this Ordinance in default and apply any one or combination of the remedies otherwise authorized by this Ordinance.

F. The City Manager or his/her designee shall be responsible for administration and enforcement of this Ordinance, and is authorized to give any notice required by Law.

ORDINANCE NO. 2897

G. Nothing in this Ordinance shall affect the remedies the Registrant has available under applicable law.

Section 16. Force Majeure.

In the event a Registrant's performance of or compliance with any of the provisions of this Ordinance is prevented by a cause or event not within the Facility owner'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 such owner uses all practicable means to expeditiously cure or correct any such inability to perform or comply. For purposes of this Ordinance, causes or events not within a Facility owner'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 and restraints imposed by order of a governmental agency or court. Causes or events within Registrant's control, and thus not falling within this Section, shall include, without limitation, Registrant's financial inability to perform or comply, economic hardship, and misfeasance, malfeasance or nonfeasance by any of Registrant's directors, officers, employees, contractors or agents.

Section 17. 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. This Ordinance shall be applicable to all Telecommunications Facilities permitted to be placed in the Public Rights-of-Way, on or after the effective date of this Ordinance, and shall apply to all existing Telecommunications Facilities in the Public Rights-of-Way prior to the effective date of this Ordinance, to the full extent permitted by State and Federal Law. Providers with existing lines and cables have one hundred and twenty (120) days from the Effective Date of this Ordinance to comply with the terms of this Ordinance, or be in violation thereof.

C. The City reserves to itself the right to intervene in any suit, action or proceeding involving any provision of this Ordinance. Registrant agrees to advise City of any such suits.

SECTION 2. Inclusion in the Code of Ordinances.

ORDINANCE NO. 2897

Specific authority is hereby granted to codify this Ordinance. It is the intention of the City of Riviera Beach that the provisions of this Ordinance shall become and be made a part of the City of Riviera Beach's Code of Ordinances; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances or part of ordinances, and all resolutions or part of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. Savings.

All fees, charges and financial obligations previously accrued pursuant to any ordinances and resolutions repealed pursuant to Section 3 above shall continue to be due and owing until paid.

SECTION 5. Severability.

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Effective Date.

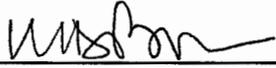
This Ordinance shall be effective immediately upon final adoption by the City Council.

PASSED and APPROVED on first reading this 16th day of May, 2001.

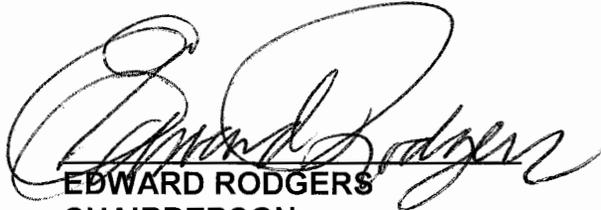
PASSED and ADOPTED on second reading this 6th day of June, 2001.

ORDINANCE NO. 2897

APPROVED:



MICHAEL D. BROWN
MAYOR



EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)



DAVID G. SCHNYER
CHAIRPERSON PRO TEM

ATTEST:



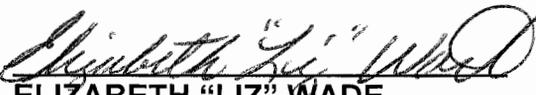
DONALD R. WILSON



CARRIE E. WARD, CMC/AAE
CITY CLERK

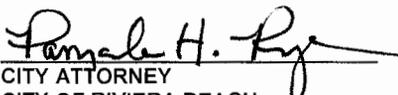


SYLVIA LEE BLUE



ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

REVIEWED FOR LEGAL SUFFICIENCY



PAMELA H. RYE
CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 6/6/01

ORDINANCE NO. 2897

MOTIONED BY:
SECONDED BY:

S. Blue
E. Wade

E. Wade
D. Wilson

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

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. 2898

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA BASED ON ITS EVALUATION AND APPRAISAL REPORT INCLUDING AMENDMENTS TO THE FUTURE LAND USE MAP, THE TEXT OF THE FUTURE LAND USE, HOUSING, TRANSPORTATION, INFRASTRUCTURE, RECREATION AND OPEN SPACE, CONSERVATION, COASTAL MANAGEMENT, INTERGOVERNMENTAL COORDINATION, AND CAPITAL IMPROVEMENT ELEMENTS AND ADDING DEFINITIONS, IN ACCORDANCE WITH CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State Legislature of the State of Florida has mandated that all local governments draft and adopt Comprehensive Plans to provide thorough and consistent planning with regard to land within their corporate limits; and

WHEREAS, the State Legislature of the State of Florida has mandated that all local governments draft and adopt Evaluation and Appraisal Reports to review and update their Comprehensive Plans and to reflect changes in state policy on planning and growth management and evaluating the effectiveness of their plans; and

WHEREAS, the City of Riviera Beach adopted its Evaluation and Appraisal Report on September 25, 1996; and

WHEREAS, all amendments to the Comprehensive Plan must be adopted in accordance with detailed procedures outlined in Chapter 9J-5, Florida Administrative Code, which must be strictly followed; and

WHEREAS, the City of Riviera Beach has held all duly required public hearings; both prior to submission of the proposed amendments to the plan to the Florida Department of Community Affairs, and after the proposed amendments to the plan were returned to the City, in accordance with Chapter 163, Florida Statutes; and

WHEREAS, the City Council desires to adopt amendments to the current Comprehensive Plan to guide and control the future development of the City, and to preserve, promote and protect the public's health, safety, and welfare.

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

Section 1. That the City Council of the City of Riviera Beach, Palm Beach County, Florida hereby adopts amendments to its current Comprehensive Plan dated December 13, 1989, which amendments

are incorporated into the current Comprehensive Plan Update. A copy of the Comprehensive Plan, as amended, is on file in the Office of the City Clerk, City of Riviera Beach, Palm Beach County, Florida.

- Section 2.** That the City Clerk is hereby directed to transmit three (3) copies of the amendments to the current Comprehensive Plan to the State Land Planning Agency, along with one (1) copy to the Department of Environmental Protection, the South Florida Water Management District, the Florida Department of Transportation, the Treasure Coast Regional Planning Council, the Florida Department of State, Bureau of Historic Preservation, and the Palm Beach County Growth Management Department, and to IPARC, and to any other unit of local government who has filed a written request for a copy, within ten (10) working days after adoption, in accordance with Section 163.3184(7), Florida Statutes.
- Section 3.** That all ordinances or parts of ordinances in conflict are hereby repealed.
- Section 4.** That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or work be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.
- Section 5.** That the effective date of this plan amendment shall be the date a final order of compliance is issued by the Florida Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (9), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of not in compliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a Resolution affirming its effective status, in accordance with Section 163.3189, Florida Statutes, a copy of which shall be sent to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

ORDINANCE NO. 2898
PAGE 3

PASSED AND APPROVED on First reading the May day of 16, 2001.

PASSED AND ADOPTED on Second Reading this 7th day of November, 2001.

APPROVED:



MICHAEL D. BROWN, MAYOR



EDWARD RODGERS, CHAIRPERSON

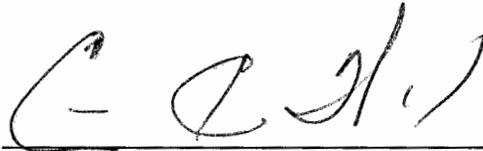


DAVID G. SCHNYER, CHAIRPERSON
PRO-TEM

{MUNICIPAL SEAL}

DONALD R. WILSON

ATTEST:



CARRIE E. WARD, CMC/AE
CITY CLERK

SYLVIA LEE BLUE



ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

MOTIONED BY
SECONDED BY

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

1st Reading

E. Wade
S. Blue

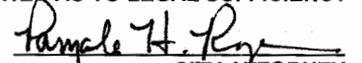
aye
aye
absent
aye
aye

2nd & Final Reading

E. Wade
D. Schnyer

aye
aye
aye
aye
aye

REVIEWED AS TO LEGAL SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH

Date: 5/8/01

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADJUSTING THE CITY'S LOCAL COMMUNICATIONS SERVICES TAX RATE UPWARD IN LIEU OF REQUIRING AND COLLECTING FEES FROM PROVIDERS OF COMMUNICATIONS SERVICES; PROVIDING A CONFLICT CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 1, 2000, Florida's Communications Services Tax Simplification Act (ACT) became law. The ACT established a new tax structure designed to treat communications service providers in a nondiscriminatory manner with respect to the compensation these providers have traditionally provided to local governments; and

WHEREAS, the new tax rates were not established in the initial adoption of the Act; and

WHEREAS, the ACT directed the Legislature to set and adopt, in the 2001 Legislative Session, the new rates to be applied under the new tax structure; and

WHEREAS, the Legislative restructuring, in the 2001 Legislative Session, resulted in a new Local Communications Services Tax, which is designed to apply equally to telephone service, cable service and wireless service providers and where such new rates shall become effective on October 1, 2001, without any action by the City of Riviera Beach; and

WHEREAS, the Florida law permits municipalities to recover costs in the form of permit fees incurred by the municipalities in the exercise of its police power; and

WHEREAS, Section 337.401(3)(c)1., Florida Statutes (2001), allows a municipality to adjust its new Local Communications Services Tax upward by 0.12% in lieu of requiring and collecting permit fees from any provider of communications services; and

WHEREAS, it is the intent of the City to exercise its authority to adjust its new Local Communications Services Tax upward by 0.12% in lieu of requiring and collecting permit fees from any provider of communications services.

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

Section 1.

1. The City of Riviera Beach hereby invokes its authority, in accordance with Section 337.401(3)(c)1., Florida Statutes (2001), to adjust its Local Communications Services Tax rate by the addition of 0.12% in lieu of requiring and collecting permit fees from any provider of communications services. The ACT is designed to be revenue neutral. Consistent with this specific legislative intent of the ACT that the new tax structure provides revenue neutrality for local governments, the City of Riviera Beach hereby makes this adjustment.

2. This adjustment shall be applied to the same communications services subject to the Local Communications Services Tax set forth in sections 202.20(1)(a) and (1)(b), Florida Statutes (2001), and section 202.19(2)(a), Florida Statutes (2001).

3. Section 337.401(3)(c)1., Florida Statutes (2001), requires that the City notify the Department of Revenue, by certified mail postmarked on or before July 16, 2001, of whether the City will elect to forego the collection of permit fees. This statutory section permits the City to adjust its Local Communications Services Tax rate by ordinance or resolution. In accordance with these prerogatives the City adopts this Ordinance. Likewise, the City hereby declares that this Ordinance shall be its notice to the Department of Revenue of the City's election to require an adjustment of the Local Communications Services Tax in lieu of collecting permit fees.

4. The City hereby declares that this adjustment shall remain in effect until and unless otherwise expressly repealed by the City, irrespective of whether the City, in its discretion, maintains a Local Communications Services Tax rate under sections 202.20(1)(a) and (1)(b) or section 202.19(2)(a), Florida Statutes (2001).

Section 2. If any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 3. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

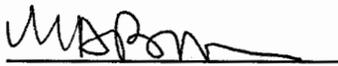
Section 4. This Ordinance shall not be codified.

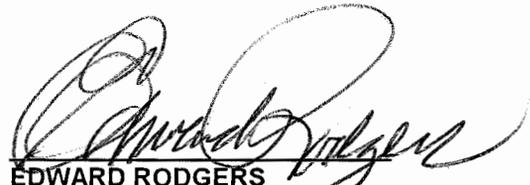
Section 5. This Ordinance shall be effective immediately upon passage.

PASSED and APPROVED on first reading this 6th day of June, 2001.

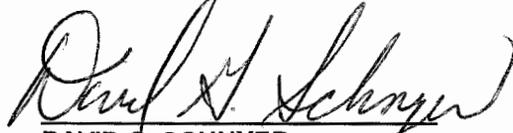
PASSED and ADOPTED on second and final reading this 20 day of June, 2001.

APPROVED:


MICHAEL D. BROWN
MAYOR


EDWARD RODGERS
CHAIRPERSON

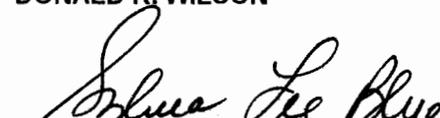
(MUNICIPAL SEAL)

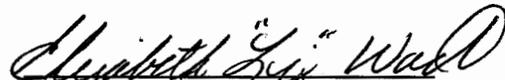

DAVID G. SCHNYER
CHAIRPERSON PRO TEM

ATTEST:

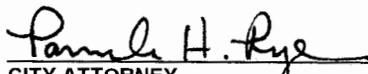

CARRIE E. WARD, CMC/AAE
CITY CLERK


DONALD R. WILSON


SYLVIA LEE BLUE


ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

REVIEWED FOR LEGAL SUFFICIENCY


PAMELA H. RYE
CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 5/31/01

MOTIONED BY:
SECONDED BY:

E. Wade
S. Blue

D. Wilson
D. Schnyer

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

PJH/PHR:dpm[053001]

CERTIFICATION OF PUBLICATION

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

6/20/01
Date


Carrie E. Ward, CMC/AE
City Clerk

ORDINANCE NO. 2899

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31, SECTION 31-243 (5) (E), ENTITLED "HIGH-RISE SETBACK" AND SECTION 31-263 (5) (E), ENTITLED "HIGH-RISE SETBACK" OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 13, 2001, the City of Riviera Beach Zoning Board of Adjustment held an interpretation hearing on the subject regulations and found the language to be ambiguous as written; and

WHEREAS, the City of Riviera Beach Zoning Board of Adjustment has recommended that the City amend the Land Development Code to clarify the City's intent; and

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

Section 1. Chapter 31, Section 31-243 (5) (e), entitled "High-rise setback" of the City of Riviera Beach Land Development Code is hereby amended to read as follows:

High-rise setback: all buildings in excess of two stories shall provide ~~additional open space equal to~~ two feet additional setback from each property line (with exception of ocean side setback line) for each additional story of height.

Section 2. Chapter 31, Section 31-263 (5) (e), entitled "High-rise setback" of the City of Riviera Beach Land Development Code is hereby amended to read as follows:

High-rise setback: all buildings in excess of two stories shall provide ~~additional open space equal to~~ two feet additional setback from each property line (with exception of ocean side setback line) for each additional story of height.

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.

PASSED AND APPROVED on First Reading this 6th day of June 2001.

PASSED AND ADOPTED on Second Reading this 20 day of June 2001.

APPROVED:

[Signature]
MICHAEL D. BROWN, MAYOR

[MUNICIPAL SEAL]

[Signature]
EDWARD RODGERS,
CHAIRPERSON

[Signature]
DAVID G. SCHNYER,
CHAIRPERSON PRO-TEM

[Signature]
DONALD R. WILSON

[Signature]
SYLVIA LEE BLUE

[Signature]
ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

ATTEST:

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

1st Reading

2nd & Final Reading

MOTIONED BY:

E. Wade

S. Blue

SECONDED BY:

D. Wilson

D. Wilson

E. RODGERS

aye

aye

D. SCHNYER

aye

aye

D. WILSON

aye

aye

S. BLUE

aye

aye

E. WADE

aye

aye

Reviewed as to legal sufficiency

[Signature]
City Attorney, City of Riviera Beach

Date: 5/21/01

ORDINANCE NO. 2899
PAGE 2

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.

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA

ZONING BOARD OF ADJUSTMENT

CASE NO. IN-01-01

APPLICANT: LEONARD TYLKA, AGENT FOR RICHARD DUBOIS

ORDER ON INTERPRETATION OF LAND DEVELOPMENT CODE,
SECTION 31-263(5)(E), ENTITLED "HIGH-RISE SETBACK"

On February 13, 2001, the Zoning Board of Adjustment considered the request of Applicant Leonard Tylka, agent for Richard DuBois, for an interpretation of the Land Development Code, Section 31-263(5)(e), entitled "High-rise setback".

The section of the code in question reads as follows:

High-rise setback: all buildings in excess of two stories shall provide additional *open space* equal to two feet additional setback from each property line (with exception of ocean side setback line) for each additional story of height. (emphasis added)

The Applicant proposed that the code be interpreted to mean that the *open space*, which would be created by the required setback could be provided elsewhere on the property. The City's Staff found that the referral to *open space* might cause misinterpretation of the code. As such, Staff recommended that the language in the high-rise setback section of the code be revised to refer to *additional setbacks* as opposed to *open space*.

After presentations by the City's Staff and the Applicant; discussion by the Board members; and consideration of the language of the code section, the Zoning Board of Adjustment finds as follows:

That the Land Development Code, section 31-263(5)(e), entitled "High-rise setback", is ambiguous and could be interpreted consistently with the applicant's position; to wit, that the additional *open space* outlined in the "high-rise setback" portion of the code can be provided elsewhere on the site. Accordingly, the Board interprets section 31-263(5)(e) consistently with the Applicant's position. The Board further recommends that the City amend the Land Development Code to specifically clarify section 31-263(5)(e) by deleting the term *open space*, and replacing it with the term *additional setbacks*, thus eliminating any future ambiguity.

DONE AND ORDERED this 30th day of March, 2001
in the City of Riviera Beach, Palm Beach County, Florida.


BERNARD RICE, CHAIRMAN
Zoning Board of Adjustment
City of Riviera Beach, Florida

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADJUSTING THE CITY'S LOCAL COMMUNICATIONS SERVICES TAX RATE UPWARD IN LIEU OF REQUIRING AND COLLECTING FEES FROM PROVIDERS OF COMMUNICATIONS SERVICES; PROVIDING A CONFLICT CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 1, 2000, Florida's Communications Services Tax Simplification Act (ACT) became law. The ACT established a new tax structure designed to treat communications service providers in a nondiscriminatory manner with respect to the compensation these providers have traditionally provided to local governments; and

WHEREAS, the new tax rates were not established in the initial adoption of the Act; and

WHEREAS, the ACT directed the Legislature to set and adopt, in the 2001 Legislative Session, the new rates to be applied under the new tax structure; and

WHEREAS, the Legislative restructuring, in the 2001 Legislative Session, resulted in a new Local Communications Services Tax, which is designed to apply equally to telephone service, cable service and wireless service providers and where such new rates shall become effective on October 1, 2001, without any action by the City of Riviera Beach; and

WHEREAS, the Florida law permits municipalities to recover costs in the form of permit fees incurred by the municipalities in the exercise of its police power; and

WHEREAS, Section 337.401(3)(c)1., Florida Statutes (2001), allows a municipality to adjust its new Local Communications Services Tax upward by 0.12% in lieu of requiring and collecting permit fees from any provider of communications services; and

WHEREAS, it is the intent of the City to exercise its authority to adjust its new Local Communications Services Tax upward by 0.12% in lieu of requiring and collecting permit fees from any provider of communications services.

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

Section 1.

1. The City of Riviera Beach hereby invokes its authority, in accordance with Section 337.401(3)(c)1., Florida Statutes (2001), to adjust its Local Communications Services Tax rate by the addition of 0.12% in lieu of requiring and collecting permit fees from any provider of communications services. The ACT is designed to be revenue neutral. Consistent with this specific legislative intent of the ACT that the new tax structure provides revenue neutrality for local governments, the City of Riviera Beach hereby makes this adjustment.

2. This adjustment shall be applied to the same communications services subject to the Local Communications Services Tax set forth in sections 202.20(1)(a) and (1)(b), Florida Statutes (2001), and section 202.19(2)(a), Florida Statutes (2001).

3. Section 337.401(3)(c)1., Florida Statutes (2001), requires that the City notify the Department of Revenue, by certified mail postmarked on or before July 16, 2001, of whether the City will elect to forego the collection of permit fees. This statutory section permits the City to adjust its Local Communications Services Tax rate by ordinance or resolution. In accordance with these prerogatives the City adopts this Ordinance. Likewise, the City hereby declares that this Ordinance shall be its notice to the Department of Revenue of the City's election to require an adjustment of the Local Communications Services Tax in lieu of collecting permit fees.

4. The City hereby declares that this adjustment shall remain in effect until and unless otherwise expressly repealed by the City, irrespective of whether the City, in its discretion, maintains a Local Communications Services Tax rate under sections 202.20(1)(a) and (1)(b) or section 202.19(2)(a), Florida Statutes (2001).

Section 2. If any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 3. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

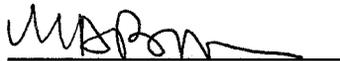
Section 4. This Ordinance shall not be codified.

Section 5. This Ordinance shall be effective immediately upon passage.

PASSED and APPROVED on first reading this 6th day of June, 2001.

PASSED and ADOPTED on second and final reading this 20 day of June, 2001.

APPROVED:


MICHAEL D. BROWN
MAYOR

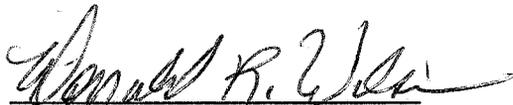

EDWARD RODGERS
CHAIRPERSON

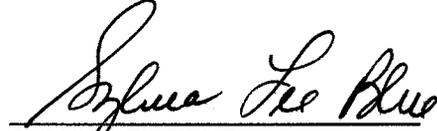
(MUNICIPAL SEAL)


DAVID G. SCHNYER
CHAIRPERSON PRO TEM

ATTEST:

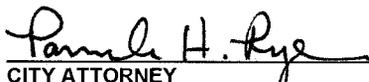

CARRIE E. WARD, CMC/AE
CITY CLERK


DONALD R. WILSON


SYLVIA LEE BLUE


ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

REVIEWED FOR LEGAL SUFFICIENCY


PAMELA H. RYE
CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 5/31/01

MOTIONED BY:
SECONDED BY:

E. Wade
S. Blue

D. Wilson
D. Schnyer

Reading

1ST Reading

2nd & Final

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

aye
aye
aye
aye
aye

aye
aye
aye
aye
aye

PJH/PHR:dpm[053001]

CERTIFICATION OF PUBLICATION

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

6/20/01
Date



Carrie E. Ward, CMC/AEE
City Clerk

ORDINANCE NO. 2901

**AN ORDINANCE OF THE CITY OF RIVIERA BEACH,
PALM BEACH COUNTY, FLORIDA, ADJUSTING THE
CITY'S LOCAL COMMUNICATIONS SERVICES TAX
RATE IN ACCORDANCE WITH FLORIDA'S
COMMUNICATIONS SERVICES TAX
SIMPLIFICATION ACT; PROVIDING A CONFLICT
CLAUSE, AND A SEVERABILITY CLAUSE;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on July 1, 2000, Florida's Communications Services Tax Simplification Act (ACT) became law. The ACT established a new tax structure designed to treat communications service providers in a nondiscriminatory manner with respect to the compensation these providers have traditionally provided to local governments; and

WHEREAS, the new tax rates were not established in the initial adoption of the Act; and

WHEREAS, the ACT directed the Legislature to set and adopt, in the 2001 Legislative Session, the new rates to be applied under the new tax structure; and

WHEREAS, the Legislative restructuring, in the 2001 Legislative Session, resulted in a new Local Communications Services Tax, which is designed to apply equally to telephone service, cable service and wireless service providers and where such new rates shall become effective on October 1, 2001, without any action by the City of Riviera Beach; and

WHEREAS, the ACT created two Local Communications Services Tax rates, namely, a Conversion rate and a Maximum rate. The Conversion rate or "initial" rate varies for each local jurisdiction and was based upon the size of the communications tax base for each particular local jurisdiction and the revenues received by that local jurisdiction in 1999. The Conversion rate is known as the initial rate because it takes effect on October 1, 2001, without any formal action by the local government. The new Law also established a Maximum rate. The Maximum rate is a weighted average. The State assumed that each municipal and chartered county had imposed upon communications providers all available taxes and fees at their highest possible levels under the previous tax structure. The potential maximum revenue from this assumption was then totaled. The State then divided this potential maximum sum, by the sum total of the new taxable base for each municipal and chartered county. The outcome was 5.1% as set forth in section 202.19(2)(a), Florida Statutes (2001); and

WHEREAS, pursuant to the ACT, a municipality that has an initial Conversion rate below the Maximum rate is authorized to adjust its Conversion rate upward to the Maximum rate as set forth in section 202.19(2)(a), Florida Statutes (2001); and

WHEREAS, pursuant to the ACT, for the period beginning on October 1, 2001 and ending on September 30, 2002, the established Maximum rate shall be deemed to be the sum of the Maximum rate established under section 202.19(2)(a), Florida Statutes (2001), plus the difference between the Conversion rates set forth in sections 202.20(1)(a) and (1)(b), Florida Statutes (2001); and

WHEREAS, pursuant to the ACT, a municipality is authorized to adjust its Conversion rate upward as described above; and

WHEREAS, it is the intent of the City to exercise its authority to adjust its new Local Communications Services Conversion rate upward as described above.

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

Section 1.

1. The City of Riviera Beach hereby acknowledges that on October 1, 2001, a new Local Communications Services Tax Conversion rate will go into effect without any formal action by the City of Riviera Beach.

2. For the period beginning October 1, 2001, and ending September 30, 2002, the City of Riviera Beach, hereby invokes its authority, in accordance with ACT, to impose a Local Communications Services Tax rate of 5.4%. This 5.4% Local Communications Services Tax is the sum of the rate set forth in section 202.19(2)(a), Florida Statutes (2001), plus the difference between the Conversion rates set forth in sections 202.20(1)(a) and (1)(b), Florida Statutes (2001). The ACT is designed to be revenue neutral. Consistent with this specific legislative intent of the ACT that the new tax structure provide revenue neutrality for local governments, the City of Riviera Beach hereby makes this adjustment.

3. Section 202.20, Florida Statutes (2001), requires that the City notify the Department of Revenue, by certified mail postmarked on or before July 16, 2001, of whether the City will elect to adjust its Conversion rate to the Maximum rate. This statutory section permits the City to adjust its Local Communications Services Tax rate by ordinance or resolution. In accordance with these prerogatives the City adopts this Ordinance. Likewise, the City hereby declares that this Ordinance

shall be its notice to the Department of Revenue of the City's election to require an upward adjustment of the Local Communications Services Tax for the period beginning on October 1, 2001, and ending on September 30, 2002.

4. For the period beginning October 1, 2002, and continuing thereafter, the City of Riviera Beach, hereby invokes its authority, in accordance with ACT, to impose the Local Communications Services Tax rate of 5.1% as set forth in section 202.19(2)(a), Florida Statutes (2001). The City hereby declares that this Ordinance shall be its notice to the Department of Revenue of the City's election to require an adjustment of the Local Communications Services Tax for the period beginning on October 1, 2002 and continuing thereafter unless and until expressly repealed or preempted. The ACT is designed to be revenue neutral. Consistent with this specific legislative intent of the ACT that the new tax structure provide revenue neutrality for local governments, the City of Riviera Beach hereby makes this adjustment.

Section 2. If any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 3. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

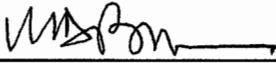
Section 4. This Ordinance shall not be codified.

Section 5. This Ordinance shall be effective immediately upon its final adoption.

PASSED and APPROVED on first reading this 6th day of June, 2001.

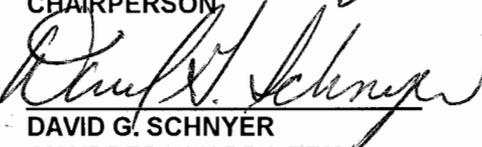
PASSED and ADOPTED on second and final reading this 26th day of June, 2001.

APPROVED:

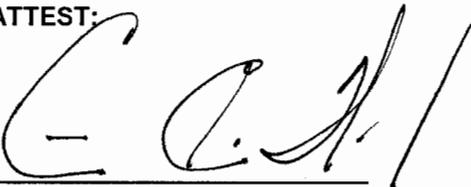

MICHAEL D. BROWN
MAYOR

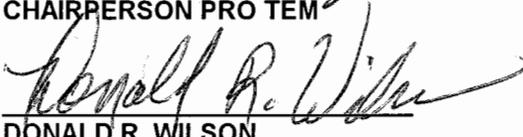

EDWARD RODGERS
CHAIRPERSON

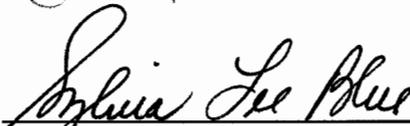
(MUNICIPAL SEAL)


DAVID G. SCHNYER
CHAIRPERSON PRO TEM

ATTEST:

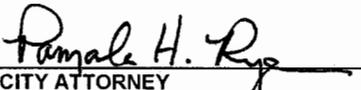

CARRIE E. WARD, CMC/AE
CITY CLERK


DONALD R. WILSON


SYLVIA LEE BLUE


ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

REVIEWED FOR LEGAL SUFFICIENCY


PAMELA H. RYE
CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 5/31/01

MOTIONED BY:
SECONDED BY:

E. Wade
S. Blue

E. Wade
D. Schnyer

1ST Reading

2ND & Final Reading

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

aye
aye
aye
aye
aye

aye
aye
aye
aye
aye

CERTIFICATION OF PUBLICATION

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

6/20/01
Date



Carrie E. Ward, CMC/AE
City Clerk

ORDINANCE NO. 2902

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.

ORDINANCE NO. _____
PAGE -2-

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 15TH day of AUGUST 2001.

PASSED AND ADOPTED on Second Reading this _____ day of _____ 2001.

APPROVED:

MICHAEL D. BROWN, MAYOR

EDWARD RODGERS,
CHAIRPERSON

[MUNICIPAL SEAL]

DAVID G. SCHNYER,
CHAIRPERSON PRO-TEM

DONALD R. WILSON

ATTEST:

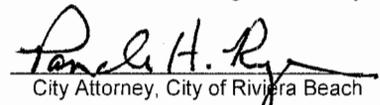
SYLVIA LEE BLUE

CARRIE E. WARD, CMC/AE
CITY CLERK

ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

	<u>1st Reading</u>	<u>2nd & Final Reading</u>
<u>MOTION TO NOT APPROVE</u> MOTIONED BY:	<u>E. WADE</u>	_____
SECONDED BY:	<u>S. BLUE</u>	_____
E. RODGERS	<u>AYE</u>	_____
D. SCHNYER	<u>AYE</u>	_____
D. WILSON	<u>ABSENT</u>	_____
S. BLUE	<u>AYE</u>	_____
E. WADE	<u>AYE</u>	_____

Reviewed as to legal sufficiency


City Attorney, City of Riviera Beach

Date: 6/12/01

1375 Jackson Street, Suite 206
Fort Myers, Florida 33901-2845
941-334-3366 • FAX: 941-334-6384

LaRue Planning &
Management Services, Inc.

Rezoning Analysis

RECEIVED

JUN 11 2001

COMMUNITY DEVELOPMENT
DEPARTMENT

*From PBC- Light Industrial (IL) to Riviera Beach
Limited Industrial (IL)*

Prepared for: The City of Riviera Beach, Florida

Applicant:

Atlas Signs, under contract with P-4 Partners, Ltd.
5770 Columbia Circle
West Palm Beach, Florida 33407

RECEIVED

JUN 11 2001

COMMUNITY DEVELOPMENT
DEPARTMENT**Legal Description of Subject Property:**

The North 620 feet of the south 700 feet of the North three-quarters of the East one-quarter of the Northwest quarter of Section 30, Township 42 South, Range 43 East, Palm Beach County, Florida, less and excepting there from the East 50 feet thereof.

Item before the Council:

The matter for consideration by the City Council is an application by Atlas Signs, under contract with P-4 Partners, Ltd., with the mailing address being 5770 Columbia Circle, West Palm Beach, Florida 33407, for a change in zoning from Palm Beach County Light Industrial (IL) to City of Riviera Beach Limited Industrial (IL).

Background:

This report represents a zoning/land use analysis on a parcel located on the east side of Congress Avenue between Silver Beach Road and Blue Heron Boulevard in the City of Riviera Beach. The subject property is vacant and is approximately 8.73 acres in size.

This property was in the unincorporated area of Palm Beach County. It was annexed into the City approximately ten years ago. It had a County Future Land Use designation of Industrial as well as appropriate County Light Industrial (IL) zoning. The City of Riviera Beach has redesignated the property to its Industrial Future Land Use category, but until now, the City zoning has not been put in place. The applicant originally requested an Industrial General (IG) zoning designation, but the request has been modified to be Limited Industrial (IL).

Related to this matter, during the City's recent Evaluation and Appraisal Report (EAR) process there was evidence given to support proposed Future Land Use Map (FLUM) map revisions encompassing the subject property and others. Specifically, the presently unadopted FLUM created in February 2001 shows a Low Density Multiple Family category for this property. The proposed FLUM is now a part of the current and on-going EAR-based Plan Amendment cycle for the City. This represents a potential land use conflict for this property.

The adjoining property uses are as follows:

North: Vacant property, the Future Land Use designation is Low Density Mixed Type Residential, which allows both single and multi-family development at a density of 10 dwelling units per acre.

- South: Washington Elementary School, zoned Community Facility (CF).
- East: Single family housing, zone "RS-6"
- West: Vacant property, the Future Land Use designation is Low Density Mixed Type Residential, which allows both single and multi-family development at a density of 10 dwelling units per acre.

Consistency with Comprehensive Plan:

Florida Legislation relating to Land Use (The Florida Growth Management Act) and subsequent additions to this legislation generally gives pre-eminence to a Future Land Use Map designation when contrasted to zoning. In this particular case, the Future Land Use was established by both Palm Beach County and the City. This designation being Industrial would allow an applicant the opportunity to implement the Industrial Zoning Districts that would be appropriate. Specifically, under Rule 9J-5, *Minimum Criteria For Review of Local Government Comprehensive Plans and Plan Amendments, Evaluation and Appraisal Reports, Land Development Regulations, and Determinations of Compliance* (Florida Administrative Code) "Industrial Uses" are defined as those activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products. Based on this definition, a request for a zoning district consistent in general with these types of uses ordinarily should be considered as appropriate zoning for this parcel.

This rezoning case also contains issues of neighborhood incompatibility that seemed to surface at the recent EAR and subsequent EAR-based Plan Amendment hearings. Compatibility is understood to be the characteristics of different land uses that permit them to be located near each other without conflict or ill effects. Over time, the residential growth along Congress Avenue has rendered the subject property to be an isolated Industrial parcel. The possible negative impacts of Industrial use at a site that presently is vacant are greater than the benefit that can be rendered by buffering and other design standards that can be done to the Industrial property.

Historically, the City in its Comprehensive Plan (1989 Housing Element) directed future residential housing (See Attached Policy 1.1.2) along Congress Avenue. It stands to reason that, over time, there has been built a neighborhood conflict that pits a vacant parcel (with an Industrial Future Land Use designation) against nearby residential development. When the prospects of Industrial zoning and subsequent development come to light, the neighborhood incompatibility becomes more pronounced. Because of this Policy, which was adopted ten years ago, it seems that the City has never intended for this neighborhood to be industrial and of course there was a pre-existing future land use classification for the subject category that was always in conflict with the future land use vision for the rest of this area.

Assessment and Conclusions:

While it is generally accepted that rezonings will be approved if they are consistent with the prevailing Future Land Use designations, this case becomes more difficult when the EAR review and new proposed Future Land Use designation is revealed. While the EAR-based Map Amendments have not yet been adopted, as of yet the City has to take notice of present incompatibility issues that have now resurfaced. A delay in rezoning is advised until after the adoption of the EAR-based FLUM amendments. At that time, the City's direction will be clearer.

Submitted by:



James G. LaRue, AICP
LaRue Planning & Management Services, Inc.
4/2/01

Attachments:

1. Rule 9J-5 Table of Contents
 Definition "S7" – Industrial Uses

2. City of Riviera Beach Land Development Regulations, Section 31-361
 1989 Comprehensive Plan Housing Element, Policy 1.1.2

City of Riviera Beach Community Development Department 600 W. Blue Heron Boulevard Riviera Beach, Florida 33404 (561)845-4060 FAX(561) 845-4038	DATE:	CASE NUMBER: SP-00-41
	Project Title:	RZ-00-11
	Fee Paid:	Notices Mailed:
	1 st Hearing:	2 nd Hearing:
	Publication Dates (if required):	

UNIFORM LAND USE APPLICATION

(Please attach separate sheet of paper for required additional information)
 Complete appropriate sections of Application and sign

APPLICANT	Name of Property Owner(s): Atlas Signs under contract with P-4 Partners, Ltd.
	Mailing Address: 5770 Columbia Circle, West Palm Beach, FL 33407
	Property Address: Congress Avenue, East Side, 1200' South of Silver Beach Road
	Name of Applicant (if other than owner): Ahrens Companies
	Telephone Numbers: Home 561-718-9961 Work 561-863-9004

PLEASE ATTACH LEGAL DESCRIPTION

PROPERTY	Future Land Use Map Designation: Industrial Current Zoning Classification: PBC-Unzoned
	Square footage of site: 383, 112 S.F. Property Control Number: 56434230000001020
	Type and gross area of any existing non residential uses on site: None
	Gross area of any proposed structure: 101, 332 S.F.
	Is there a current or recent use of the property that is/was in violation of City Ordinance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If yes, please describe: N/A
	Have there been any land use applications concerning all or part of this property in the past 18 months? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If yes, indicate date, nature and applicant's name: N/A
	Briefly describe use of adjoining property: North. Vacant: Proposed Multi-family residential
	South Vacant: Proposed Multi-family residential
East Existing Single-family residential	
West: Vacant: Proposed Multi-family residential	

RECEIVED

REZONE	Requested Zoning Classification: IG: General Industrial	JUL 17 2013
	Is the requested zoning classification contiguous with existing? Yes	COMMUNITY DEVELOPMENT
	Is a Special Exception necessary for your intended use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Is Variance necessary for your intended use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

N/A

FUTURE LAND USE	Existing Use:	Proposed Use:
	Land Use Designation:	Requested Land Use:
	Adjacent Land Uses: North:	South:
	East:	West:
	Size of Property Requesting Land Use Change:	

N/A

SPECIAL EXCEPTION	Describe the intended use requiring a Special Exception:
	Provide specific LDR ordinance section number and page number:
	How does intended use meet the standards in the Land Development Code:
	Demonstrate that proposed location and site is appropriate for requested use:
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhood:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled: On-site:
	Off-site:
Other:	

SITE PLAN	Describe proposed development: 53,286 S.F. office/manufacturing facility for Atlas Signs with a 48,046 S.F. lease building for manufacturing with required sitework.
	Demonstrate that proposed use is appropriate to site: Falls within appropriate land use (industrial) and zoning (future IG).
	Demonstrate how drainage and paving requirement will be met: See drainage plan and statement from Cunningham & Durrance.
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: See landscape plan from Seminole Bay Land Company.
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use: No hazards presented; providing 6' high wall for buffer on 3 sides.
	Demonstrate how utilities and other service requirements of the use can be met: FPL & Bellsouth available; see water and sewer utility plan attached.
	Demonstrate how the impact of traffic generated will be handled: On-site: Adequate drive aisles for proper circulation and sufficient radii - see site plan. Off-site: See traffic study - we will need median cut and left turn lane.

N/A

VARIANCE	Describe the Variance Sought:
	Demonstrate that the variance is needed to overcome a hardship caused by the unique physical conditions of the site:
	Specify the minimum variance requirement including: height, lot area, size of structure, size of yard, setback, buffer or open space:
	Other:

N/A

OTHER	COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:
	<ul style="list-style-type: none"> • Three sets of signed and scaled Construction documents, elevations and all equipment shelters, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit. • Antenna manufacture cut sheets including antenna size and shape. • Zoning map of area with site clearly marked. • Photos of existing building or tower and surrounding uses. • Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional. • Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop. • Letter of structural capacity and building code compliance. • Notes on plan or letter demonstrating floor area coverage not in excess of restrictions • Provide Photo Enhancements of proposal. • Statement that proposal is in compliance with Environmental Regulations prior to permit issue.

Confirmation of Information Accuracy

I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.

Richard C. Ahrens
Signature

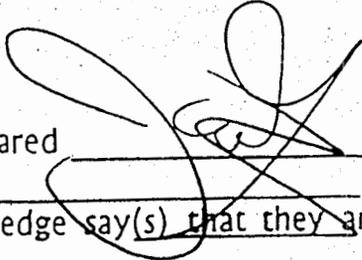
September 29, 2000
Date

G. Altman

AGENT AUTHORIZATION FORM

Owner(s) of Record: Atlas Signs under contract with P-4 Partners, Ltd.

STATE OF FLORIDA
COUNTY OF PALM BEACH



BEFORE ME, the undersigned authority personally appeared

Jim Adinolfi

who, being first duly sworn upon oath and personal knowledge say(s) that they are the owner(s) of record of the following described real property:

See attached legal description

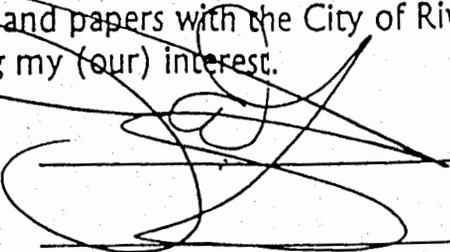
the street address of which is: Congress Ave., East Side, +/- 1,200 feet South of Silver Beach Road. and that we hereby appoint:

Name: Gregory L. Celentano, Ahrens Companies

Address: 3750 Investment Lane, Suite #2
West Palm Beach, FL 33404

Telephone: 561-863-9004

as our authorized agent, to file applications and papers with the City of Riviera Beach, and to represent me (us) at any Hearing regarding my (our) interest.



(Seal)

(Seal)

(Seal)

Sworn to and subscribed before me this 29th day of Sept., 2000.

Dianne Clark
Notary Public



Dianne Clark
Commission # CC 758814
Expires August 20, 2002
BONDED THRU
ATLANTIC BONDING CO., INC

THE PALM BEACH POST

Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

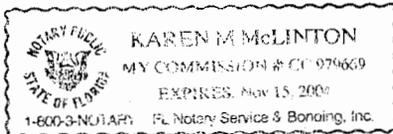
STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Tyler Dixon**, who on oath says that she is **Classified Advertising Manager, Inside Sale** of The Palm Beach Post, a daily and Sunday newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising, being Notice in the matter of Public Hearing in the --- Court, was published in said newspaper in the issues June 5, 2001.

Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before this 4th day of June, A.D. 2001

Personally known or Produced Identification _____
Type of Identification Produced _____



NO. 320663 NOTICE OF PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

Notice is hereby given that the City of Riviera Beach, Palm Beach County, Florida proposes a zoning change for property located along the east side of Congress Avenue between Silver Beach Road and Blue Heron Boulevard. The proposed zoning request is from Palm Beach County Industrial to the City of Riviera Beach Limited Industrial, (IL) classification.

This Public Hearing is being held in accordance with Florida State Statute 166.041. This petition is scheduled to be heard before as follows:

City Council
Wednesday, June 20, 2001
At 7:30 p.m.

This Public Hearing will be conducted at the stated time, or as soon thereafter as the matter can be heard, in the Council Chambers at the Municipal Complex, 600 West Blue Heron Boulevard, Riviera Beach, Florida, and continuing from time to time and place to place, as the said meetings may be adjourned, to consider said matter. Interested persons are encouraged to attend the hearing and any adjournment thereof.

Background material is available for review in the Community Development Department at 600 West Blue Heron Boulevard, Riviera Beach, Florida, Monday through Friday, between the hours of 8:30 a.m. and 5:00 p.m., except holidays.

The City of Riviera Beach does not discriminate against the physically challenged in meeting location.

Carrie E. Ward, City Clerk
CMC/AAE
Publish: Palm Beach Post
June 5, 2001

SILVER BEACH RD

W 37TH ST

W 36TH ST

W 35TH ST

W 34TH ST

W 33RD ST

W 32ND ST

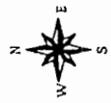
W 31ST ST

AVENUE

AVENUE

N CONGRESS AV

Atlas Signs Site



Atlas Signs Property



Atlas Signs
East Side of Congress Avenue
Approximately 1200 Feet South of
Silver Beach Road
Rezoning Case No. RZ-00-11

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 14-21 OF THE CITY'S CODE OF ORDINANCES BY PROVIDING FOR A DEFINITION OF EARNINGS FOR CERTAIN CONTRACT EMPLOYEES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, certain contract employees have accrued benefits for pension purposes different from those of non-contract employees; and

WHEREAS, the uncertainty created by those contracts is in need of clarification.

NOW, THEREFORE, be it ordained by the City Council of the City of Riviera Beach as follows:

Section 1. Section 14-21 of the City's Code of Ordinances is hereby amended to read as follows:

Sec. 14-21. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * * * *

Earnings means basic wages, excluding nonregular overtime, bonuses, and any other nonregular payments. Basic wages includes salary, longevity, and payments for earned, accrued and unused vacation, sick leave and unreimbursed overtime provided, no such payments made to an individual member shall be credited in excess of any limitations which may apply to the majority of members for credit for such payments. Basic wages shall not include severance pay, travel allowances or clothing allowances.

Notwithstanding any other provision of this section, current employees, whose accrued and unused vacation and/or sick leave accruals are governed by a written employment contract with the City and who have given the City Manager an irrevocable notice of voluntary retirement, said retirement to be effective on or before July 31, 2001, shall be permitted to incorporate accrued and unused vacation and/or sick leave as determined by resolution of the City Council.

Section 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this ordinance may be renumbered to accomplish such intentions.

Section 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

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

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

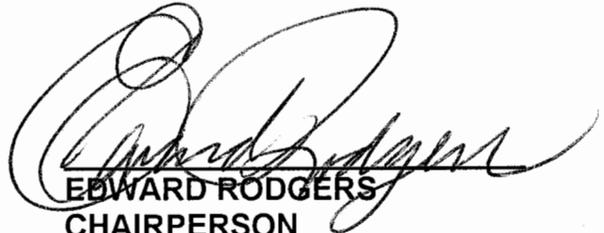
Section 6. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED and APPROVED on first reading this 20th day of June, 2001.

PASSED and ADOPTED on second and final reading this 3rd day of July, 2001.

APPROVED:

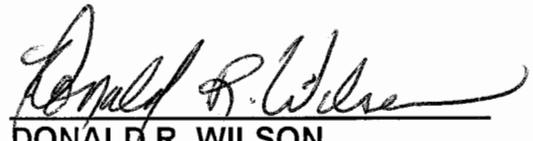

MICHAEL D. BROWN
MAYOR


EDWARD RODGERS
CHAIRPERSON

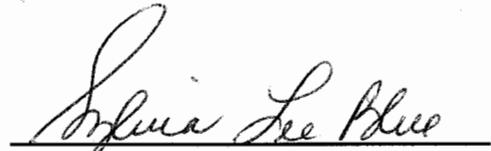
(MUNICIPAL SEAL)

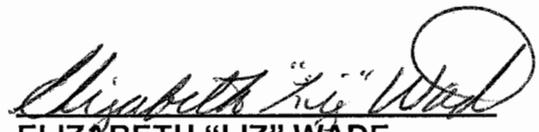

DAVID G. SCHNYER
CHAIRPERSON PRO TEM

ATTEST:

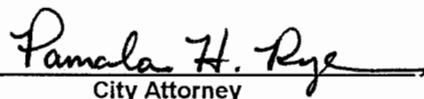

DONALD R. WILSON


CARRIE E. WARD, CMC/AAE
CITY CLERK


SYLVIA LEE BLUE


ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

REVIEWED FOR LEGAL SUFFICIENCY

By: 
City Attorney
City of Riviera Beach
Date: 6/18/01

MOTIONED BY:
SECONDED BY:

D. Schnyer
S. Blue

D. Wilson
D. Schnyer

1ST Reading

2nd & Final Reading

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

aye
aye
aye
aye
out

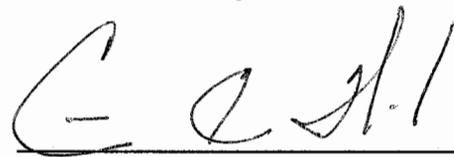
aye
aye
aye
nay
nay

PHR:ldf/dpm[0618.20.01]

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

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 14-72 OF THE CITY'S CODE OF ORDINANCES BY PROVIDING FOR A DEFINITION OF EARNINGS FOR CERTAIN CONTRACT EMPLOYEES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, certain contract employees have accrued benefits for pension purposes different from those of non-contract employees; and,

WHEREAS, the uncertainty created by those contracts is in need of clarification.

NOW, THEREFORE, be it ordained by the City Council of the City of Riviera Beach as follows:

Section 1. Section 14-72 of the City's Code of Ordinances is hereby amended to read as follows:

Sec. 14-72. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * * *

Salary and compensation mean the total cash remuneration paid to a police officer for services rendered, and shall include those items as have been included as compensation in accordance with past practice and F. S. 185.02(4). Notwithstanding any other provision of this section, current employees, whose accrued and unused vacation and/or sick leave accruals are governed by a written employment contract with the City and who have given the City Manager an irrevocable notice of voluntary retirement, said retirement to be effective on or before June 30, 2001, shall be permitted to incorporate accrued and unused vacation and/or sick leave as determined by resolution of the City Council.

Section 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this ordinance may be renumbered to accomplish such intentions.

Section 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

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

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

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

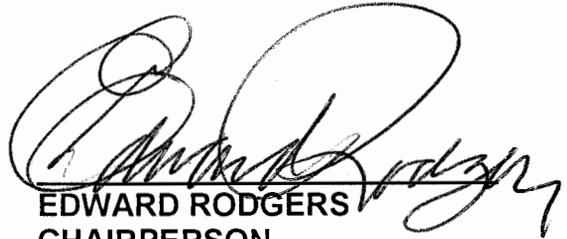
PASSED and APPROVED on first reading this 20th day of June, 2001.

PASSED and ADOPTED on second and final reading this 3rd day of July, 2001.

APPROVED:



MICHAEL D. BROWN
MAYOR



EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)



DAVID G. SCHNYER
CHAIRPERSON PRO TEM

ATTEST:



DONALD R. WILSON



CARRIE E. WARD, CMC/AE
CITY CLERK



SYLVIA LEE BLUE



ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

REVIEWED FOR LEGAL SUFFICIENCY



PAMELA H. RYAN
CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 6/18/01

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CREATING SECTION 14-33 OF THE CITY'S CODE OF ORDINANCES PROVIDING FOR AN EXCESS BENEFIT PLAN AS PERMITTED BY SECTION 415 OF THE INTERNAL REVENUE CODE; PROVIDING FOR SEVERABILITY, CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, certain employees have accrued benefits in excess of those permitted by Section 415 of the Internal Revenue Code; and

WHEREAS, the Internal Revenue Code permits the establishment of a separate, unfunded, nonqualified excess benefit plan for the purpose of allowing affected employees to receive the full value of their accrued retirement benefits; and

WHEREAS, the City of Riviera Beach believes that it is in the best interest of the citizens and employees to honor the full value of accrued retirement benefits.

NOW, THEREFORE, be it ordained by the City Council of the City of Riviera Beach as follows:

Section 1. Section 14-33 of the City's Code of Ordinances is hereby created to read as follows:

Sec. 14-33. Excess benefit plan.

- (a) *Establishment of plan.* There is hereby created a separate, unfunded, nonqualified Excess benefit plan containing the terms and provisions set forth in this subpart and intended to be a qualified governmental excess benefit arrangement as defined in Section 415(m)(3) of the Internal Revenue Code.

(b) *Definitions.*

- (1) All definitions prescribed in this chapter are applicable to the plan created pursuant to this subpart unless a different definition is set forth in this subpart, or the context in which a term is used in this subpart indicates a different meaning than that prescribed elsewhere in the Code of Ordinances or the Internal Revenue Code.
- (2) "*Board*" shall mean the Board of Trustees of the City of Riviera Beach General Employees Pension Plan.
- (3) "*Code*" shall mean the Internal Revenue Code as it may be amended by Congress from time to time.
- (4) "*Excess benefit participant*" shall mean any member whose retirement benefit is determined on the basis of all qualified plans maintained by the City without regard to the limitations set forth in the pension plan and comparable provisions of other qualified plans of the City, that exceed the maximum benefit under Section 415 of the Code.
- (5) "*Excess benefit plan*" shall mean the unfunded, nonqualified plan created by the City to provide benefits to members which would be provided under the pension plan, but for the limitations imposed by Section 415 of the Internal Revenue Code.
- (6) "*Maximum benefit*" shall mean the retirement benefit a member is entitled to receive from the benefit plan set forth in the Code of Ordinances in any month after giving effect to any provision of a qualified plan designed to conform to Section 415 of the Code.
- (7) "*Pension plan*" shall mean the City of Riviera Beach General Employees Pension Plan.
- (8) "*Unrestricted benefit*" shall mean the monthly retirement benefit a member, or the spouse,

child, or other beneficiary of a member, would have received under the terms of all qualified plans of the City, except for the restrictions contained in the pension plan and any similar provisions of any other qualified plans designed to conform to Section 415 of the Code.

(c) *Benefit provided.*

- (1) An excess benefit participant who is receiving benefits from the Pension plan is entitled to a monthly benefit, including cost of living adjustments, under this Excess benefit plan in an amount equal to the lesser of:
- (2) the member's unrestricted benefit under the qualified defined benefit plan, less the maximum benefit permitted for qualified defined benefit plans for government employees under Section 415, Internal Revenue Code; or
- (3) the amount which the member's monthly benefit from the pension plan has been reduced due to limitations imposed by the Code.
- (4) A retirement benefit payable under this Excess benefit plan shall be paid in the form and at the time it would have been paid as a monthly pension under the Pension plan, except for the limitations set forth in the Pension plan and Section 415 of the Code. Each optional benefit form permitted under this Excess benefit plan shall be the actuarial equivalent of each other permitted benefit form.
- (5) This Excess benefit plan shall be administered by the Board. Except as provided to the contrary in this subsection, the rights, duties and responsibilities of the Board shall be the same for this Excess benefit plan as for any other qualified plan under its direction and administration.
- (6) The actuary employed by the Board is responsible for determining the amount of benefits that may not be provided under the pension plan solely by reason of the limitations set forth in this section and Section 415 of the

Code and shall also determine the amount of contributions that will be made to the Excess benefit plan rather than to the Pension plan.

- (7) The actuaries and legal advisors for the Board shall also provide advice to the Board for this Excess benefit plan.

- (d) *Contributions.* Contributions may not be accumulated under this Excess benefit plan to pay future retirement benefits. Each payment of contributions by the employer that would otherwise have been made to the Pension plan shall be reduced by the amount determined by the Board as necessary to meet the requirements for retirement benefits under this Excess benefit plan until the next payment of contributions is expected to be made to the Pension plan by the City. The City shall then pay to this Excess benefit plan, out of the contributions that would otherwise have been made to the pension plan, on an annual basis, concurrent with the contributions to the General Employees Retirement Plan, an amount necessary to satisfy the obligation to pay monthly retirement benefits under this Excess benefit plan. The Board shall satisfy the obligation of this Excess benefit plan to pay retirement benefits out of City contributions so transferred. The City contributions otherwise required to the Pension plan established under the Pension plan and under other qualified plans shall be divided into those contributions required to pay retirement benefits pursuant to this section and those contributions paid into and accumulated to pay the maximum benefits required under the qualified plans. City contributions made to provide retirement benefits pursuant to this part shall not be commingled with monies of the Pension plan or any other qualified plan, nor shall this Excess benefit plan ever receive any transfer of assets from the Pension plan.

- (e) Any actuarial gains realized as a result of the limitation of benefits shall be a direct credit to the City.

Section 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this ordinance may be renumbered to accomplish such intentions.

Section 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

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

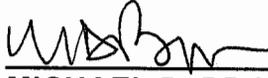
Section 5. Specific authority is hereby granted to codify this Ordinance.

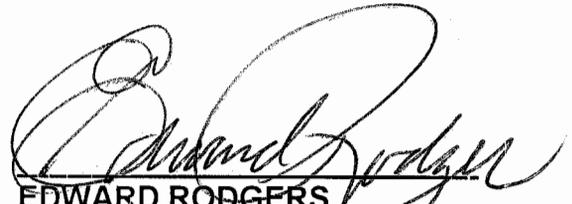
Section 6. That this ordinance shall be in full force and effect retroactive to June 1, 2000, upon its final passage and adoption.

PASSED and APPROVED on first reading this 20th day of June, 2001.

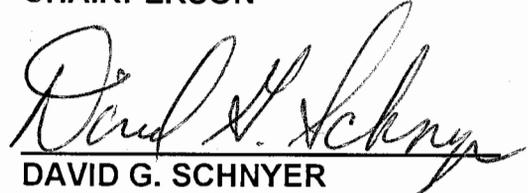
PASSED and ADOPTED on second and final reading this 3rd day of July, 2001.

APPROVED:

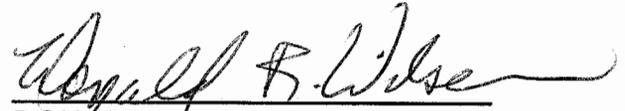

MICHAEL D. BROWN
MAYOR


EDWARD RODGERS
CHAIRPERSON

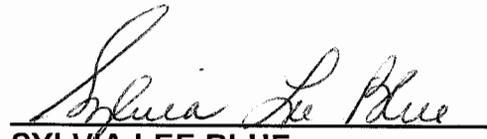
(MUNICIPAL SEAL)


DAVID G. SCHNYER
CHAIRPERSON PRO TEM

ATTEST:

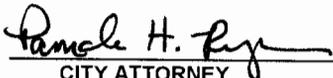

DONALD R. WILSON


CARRIE E. WARD, CMC/AE
CITY CLERK


SYLVIA LEE BLUE


ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

REVIEWED FOR LEGAL SUFFICIENCY

By: 
CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 6/18/01

MOTIONED BY:
SECONDED BY:

S. Blue
D. Schnyer

S. Blue
D. Wilson

1ST Reading

2nd & Final Reading

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

aye
aye
aye
aye
nay

aye
aye
aye
aye
nay

PHR:ldf/dpm[0618.20.01]

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

MOTIONED BY:
SECONDED BY:

S. Blue
D. Wilson

D. Wilson
D. Schnyer

1ST Reading

2nd & Final Reading

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

aye
aye
aye
aye
out

aye
aye
aye
aye
nay

PHR:ldf/dpm[0615.20.01]

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. 2906

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE PAY AND CLASSIFICATION SCHEDULES BY INCREASING THE SALARY OF LIEUTENANT OF POLICE EMPLOYEES REPRESENTED BY THE INTERNATIONAL UNION OF POLICE ASSOCIATION (IUPA) BARGAINING AGREEMENT, PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, labor negotiations between the International Union of Police Association and the City have concluded; and

WHEREAS, both parties have reached a tentative agreement; and

WHEREAS, the salary of Lieutenant of Police employees represented by the International Union of Police Association shall be increased October 1, 2001 and retroactive to October 1, 1999 and October 1, 2000; and

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

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

That the pay grade for Lieutenant of Police employees covered under the International Union of Police Association Bargaining Unit be increased as follows:

Effective October 1, 1999, the Employer will retroactively adjust the individual's 1998/1999 wages by four percent (4%) and the maximum of the pay grade shall be increased by four percent (4%). There will be no further across the board wage adjustments during the 1999/2000 Contract Year.

ORDINANCE NO. 2906
PAGE 2

Effective October 1, 2000, the Employer will retroactively adjust the individual employee's 1999/2000 wages by two percent (2%) and the maximum of the pay grade shall be increased by two percent (2%). During the 2000/2001 year, effective on the anniversary date of each individual employee, the employer will pay merit increases as follows:

Outstanding	2%
Excellent	1.5%
Satisfactory	1.0%

There will be no further across the board wage adjustments during the 2000/2001 Contract Year.

Effective October 1, 2001, the Employer will adjust the individual 2000/2001 wages by three percent (3%) and the maximum of the pay grade shall be increased by three percent (3%). During the 2001/2002 year, effective on the anniversary date of each individual employee, the employer will pay merit increases as follows:

Outstanding	2%
Excellent	1.5%
Satisfactory	1.0%

SECTION 2. 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. Employees hired subsequent to the effective date of this agreement will be eligible for retroactivity from the date they were hired. Employees who are at the maximum of the pay grade when the merit increase is applied, shall receive such increase in a lump sum for the years of 2000-2001 and 2001-2002.

ORDINANCE NO. 2906
PAGE 3

SECTION 3. That this Ordinance shall be in full force and effective immediately upon its passage and adoption.

PASSED and APPROVED on first reading this 3RD day of JULY, 2001.

August **PASSED and ADOPTED** on second reading this 01 day of August, 2001.

APPROVED:

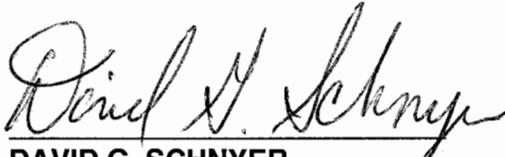


MICHAEL D. BROWN
MAYOR

absent

EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)

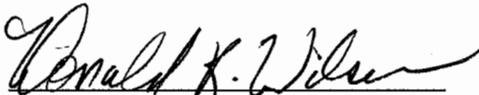


DAVID G. SCHNYER
CHAIR PRO TEM

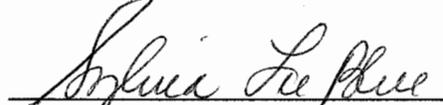
ATTEST:



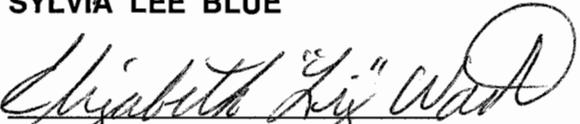
CARRIE E. WARD, CMC/AAE
CITY CLERK



DONALD R. WILSON



SYLVIA LEE BLUE



ELIZABETH "LIZ" WADE
COUNCILMEMBERS

Motioned by: E. WADE
Seconded by: D. SCHNYER

Motioned by: E. WADE
Seconded by: S. BLUE

1ST READING

2ND READING

E. Rodgers AYE

AYE

D. Schnyer AYE

AYE

D. Wilson AYE

AYE

S. Blue AYE

AYE

E. Wade 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.

DATE

8/01/01

Carrie E. Ward, CMC/AE
City Clerk

Carrie E. Ward

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ry
CITY ATTORNEY
CITY OF RIVIERA BEACH

Date 6/27/01



Member Florida Bar & The U.S.
District Courts For the Northern, Middle &
Southern Districts of Florida

Steven C. Sessa, P.A.

Attorney at Law

319 8th Street • West Palm Beach, FL 33401-3309 • Telephone (561) 659-0499 • Facsimile (561) 659-1322 • 24 Hr. Pager (561) 751-2744

June 12, 2001

Doretha Perry, Director of Human Resources
City of Riviera Beach
600 West Blue Heron Blvd.
Riviera Beach, Florida 33404

VIA FACSIMILE: 561-848-4727

Dear Ms. Perry:

The Lieutenants bargaining unit has voted to accept the terms and conditions of the contract that we agreed upon on June 7, 2001.

If you should have any questions or concerns regarding this matter, please do not hesitate to contact me at the number above.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Sessa', followed by a horizontal line extending to the right.

Steven C. Sessa, Esquire

SCS:kmp

Cc: Walter Robinson, President of I.U.P.A.
Lt. Stephen Mesagno

ARTICLE 34: WAGES

~~For the Fiscal Year 1996 1997, all bargaining unit employees shall receive retroactive salary increases as reflected in the "Implementation and Cost Analysis" of the Cody and Associates Classification and Pay Study for the City of Riviera Beach dated September, 1996. Employees who were not entitled to at least a two percent (2%) increase as a result of the Cody Report, will receive two percent (2%) salary adjustment to their 1995 1996 wages. There shall be no salary adjustment to employee wages for October 1, 1997. For the 1998 1999 Fiscal Year, employees who were employed by the City on October 1, 1998, for the requisite number of years, as noted below, will receive the following adjustment to their wages retroactive to October 1, 1998.~~

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	.5%

~~There shall be no further wage adjustment for the 1996 1997, 1997 1998, and 1998 1999 contract years.~~

~~An employee must be employed on the date of ratification to be eligible for retroactivity. This Article shall become effective upon ratification by both the Union and the City. An employee hired subsequent to October 1, 1996, will only receive retroactive pay to the initial date of employment.~~

ARTICLE 34: WAGES (CONTINUED)

SECTION 1. Effective October 1, 1999, the Employer will retroactively adjust the individual employee's 1998/1999 wages by four percent (4%) and the maximum of the pay grade shall be increased by four (4%). There will be no further across the board wage adjustments during the 1999/2000 Contract Year. 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. Employees hired subsequent to the effective date of this agreement will be eligible for retroactivity from the date they were hired. Employees who are at the maximum of the pay grade when the four percent (4%) is applied shall received such increase in a lump sum.

Effective October 1, 2000, the Employer will retroactivity adjust the individual employee's 1999/2000 wages by two percent (2%) and the maximum of the pay grade shall be increased by two percent (2%). During the 20002001 year, effective on the anniversary date of each individual employee, the employer will pay merit increases as follows:

<u>Outstanding</u>	<u>2.0%</u>
<u>Excellent</u>	<u>1.5%</u>
<u>Satisfactory</u>	<u>1.0%</u>

The parties will jointly develop the evaluation instrument. Employees who are at the maximum of the pay grade when the four percent (4%) is applied and who are eligible for a merit increase, shall receive such merit increase in a lump sum payable on the employee's anniversary date.

ARTICLE 34: WAGES CONTINUED

There will be no further across the board wage adjustment during the 2000/2001 Contract Year.

Effective October 1, 2001, the Employer will adjust the individual employee's 2000/201 wages by three percent (3%) and the maximum of the pay grade shall be increased by three percent (3%). During the 2001/2002 year, effective on the anniversary date of each individual employee, the employer will pay merit increases as follows:

<u>Outstanding</u>	<u>2.0%</u>
<u>Excellent</u>	<u>1.5%</u>
<u>Satisfactory</u>	<u>1.0%</u>

Employees who are at the maximum of the pay grade when the three (3%) is applied and who are eligible for a merit increase, shall receive such merit increase in a lump sum payable on the employee's anniversary date.

There will be no further across the board wage adjustments during the 2001/2002 Contract Year.

Pay days will be bi-weekly on Thursday, effective October 1, 2001. ninety (90) days after Agreement and ratification by the other two (2) unions. Bi-weekly is defined as every two (2) weeks.

In the event pay day falls on a holiday, the City shall have the discretion to pay employees on the day before or the day after the holiday.

The City will provide the option of direct deposit to all employees upon institution of the bi-weekly pay days.

**CITY OF RIVIERA BEACH
PAY & CLASSIFICATION PLAN
1999-2000 (Effective 10/1/99)**

POLICE DEPARTMENT

RANGE	CLASSIFICATION	SALARY	
P-32	Lieutenant of Police	42,500.0000	55,744.0000
		817.3077	1,072.0000
		20.4327	26.8000

|::

**CITY OF RIVIERA BEACH
PAY & CLASSIFICATION PLAN
2000-2001 (Effective 10/1/00)**

POLICE DEPARTMENT

RANGE	CLASSIFICATION	SALARY	
P-32	Lieutenant of Police	42,500.0000	56,858.8800
		817.3077	1,093.4400
		20.4327	27.3360

**CITY OF RIVIERA BEACH
PAY & CLASSIFICATION PLAN
2001-2002 (Effective 10/1/01)**

POLICE DEPARTMENT

RANGE	CLASSIFICATION	SALARY	
P-32	Lieutenant of Police	42,500.0000	58,564.6546
		817.3077	1,126.2434
		20.4327	28.1561

ORDINANCE NO. 2907

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, 2001 AND ENDING SEPTEMBER 30, 2002; 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, 2001 and ending September 30, 2002, 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, \$1,649,507,921. *

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

SECTION TWO

That for the fiscal year beginning October 1, 2001 and ending September 30, 2002, a tax of nine point five (9.5) mills, which is greater than the rolled-back rate of 9.1552 mills by 3.7662%, 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 \$1,649,507,921 subject to final approval of the County Equalization Board.

PAGE 2

ORDINANCE NO. 2907

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 9.1552 mills by 3.7662 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 5th day of SEPTEMBER, 2001.

PASSED AND ADOPTED on second and final reading this 19th day of SEPTEMBER, 2001.

APPROVED:

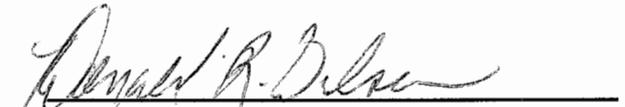


MICHAEL BROWN, MAYOR

(MUNICIPAL SEAL)



CARRIE E. WARD, CMC/AAE,
CITY CLERK


EDWARD RODGERS, CHAIRPERSON
DAVID SCHNYER, CHAIR PRO-TEM
DONALD R. WILSON
SYLVIA LEE BLUE
ELIZABETH WADE
COUNCIL MEMBERS

PAGE 4
ORDINANCE NO. 2907

MOTIONED BY: D. Wilson

MOTIONED BY: S. Blue

SECONDED BY: S. Blue

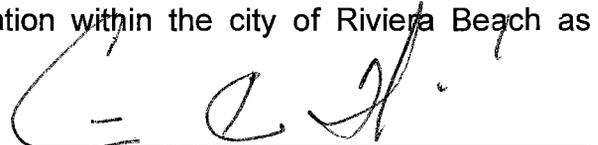
SECONDED BY: D. Schnyer

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

September 19, 2001
DATE


CARRIE E. WARD, CMC/AE, CITY CLERK

REVIEWED AS TO LEGAL SUFFICIENCY

Paul H. Ry
CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 8/8/01

ORDINANCE NO. 2908

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MAKING APPROPRIATIONS AND ESTABLISHING A BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2002; 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, 2001 and ending September 30, 2002, 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 2001-2002 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 2001-02.

FUNDS & DEPARTMENTS

GENERAL FUND

APPROPRIATIONS

Legislative

\$ 307,491

PAGE 3

ORDINANCE NO. 2908

OTHER FUNDS

Sales Tax	\$ 2,166,691	
Advance Police Training	10,000	
Universal Hiring Grant	449,072	
Weed/Seed	240,520	
Police Interlocal Agreements	-342,446	348,205
Fire Safety Fair	7,000	
Street Improvement Program Debt Service	664,888	
Paving and Drainage Construction	254,800	
Lot Cleaning	40,000	
Liability Insurance Trust	4,443,000	
Housing Trust Fund	135,000	
Capital Improvement Fund	2,828,230	4,322,480
Crime Prevention	2,000	
Special Events	168,600	
Dare	3,500	

TOTAL OTHER FUNDS

\$ 11,725,747 13,255,756

Section Two

That the above appropriations are made based on the following anticipated sources of revenue for the 2001-2002 fiscal year:

GENERAL FUND

	<u>REVENUE</u>	
Taxes	\$19,186,890	19,201,509
Franchise Fees	2,330,759	
Other Fees, Licenses and Permits	1,654,840	
Grants and Other Government Shared Revenues	928,000	
Fines and Forfeitures	203,000	
Rents and Leases	82,200	
Other Revenues	1,029,913	
Interfund Transfers	2,960,384	
Fund Balance	405,300	

TOTAL GENERAL FUND

\$28,781,286 28,795,905

PAGE 4

ORDINANCE NO. 2908

ENTERPRISE FUNDS

Water and Sewer	\$12,250,255
Water and Sewer Renewal and Replacement	687,430
Water and Sewer Construction	980,000
Water and Sewer Debt Service	1,439,727
Bond Construction Reserve	2,700,000
Marina	1,934,657
Marina Debt Service	636,445
Marina Renewal and Replacement	87,000

TOTAL ENTERPRISE FUNDS **\$ 20,715,514**

OTHER FUNDS

Sales Tax	\$ 2,166,691
Advance Police Training	10,000
Universal Hiring Grant	449,072
Weed/Seed Grant	240,520
Police Interlocal Agreements	-312,446 348,205
Fire Safety Fair	7,000
Street Improvement Program Debt Service	664,889
Paving and Drainage Construction	254,800
Lot Cleaning Fund	40,000
Liability Insurance Trust	4,443,000
Housing Trust	135,000
Capital Improvement Fund	-2,828,230 4,322,480
Crime Prevention	2,000
Special Events	168,600
Dare	3,500

TOTAL OTHER FUNDS **\$ ~~11,725,748~~ 13,255,756**

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 2001-2002, which shall be entitled "Annual Budget of the City of Riviera Beach, Fiscal Year October 1, 2001 through September 30, 2002".

Section Five

The Finance Director is authorized to increase these appropriations by amounts representing encumbrances properly budgeted for, and carried over from fiscal year 2000-2001.

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. 2908

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.

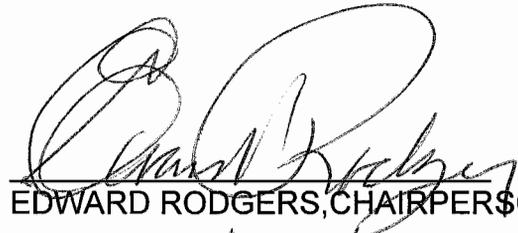
PASSED AND APPROVED on first reading this 5th day of September, 2001.

PASSED AND ADOPTED on second and final reading this 19th day of September, 2001.

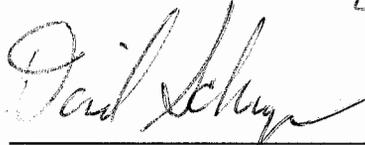
APPROVED:



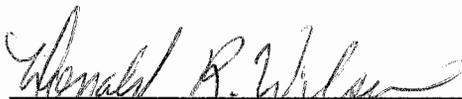
MICHAEL BROWN, MAYOR



EDWARD RODGERS, CHAIRPERSON



DAVID SCHNYER, CHAIR PRO-TEM



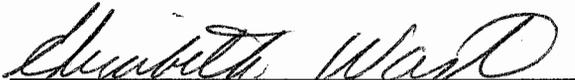
DONALD WILSON



SYLVIA LEE BLUE



CARRIE E. WARD, CMC/AAE
CITY CLERK



ELIZABETH WADE
COUNCIL MEMBERS

(MUNICIPAL SEAL)

PAGE 7
ORDINANCE NO. 2908

MOTIONED BY: S. Blue MOTIONED BY: S. Blue
SECONDED BY: D. Wilson SECONDED BY: D. Schnyer

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

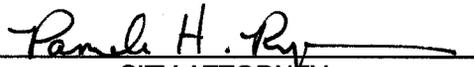
9/19/01
Date


Carrie E. Ward, CMC/AEE, City Clerk

PAGE 8

ORDINANCE NO. 2908

REVIEWED AS TO LEGAL SUFFICIENCY



CITY ATTORNEY
CITY OF RIVIERA BEACH

APPROVED AS TO FIGURES:

Gwendolyn Herbert, Interim Finance Director



Jim Zingale
Executive Director

General Tax Administration
Child Support Enforcement
Property Tax Administration
Administrative Services
Information Services

October 15, 2001

Mr. William E. Wilkins, Manager
City of Riviera Beach
600 West Blue Heron Boulevard
Riviera Beach, Florida 33404

Re: Truth in Millage (TRIM) Certification

Dear Mr. Wilkins:

The Department of Revenue has reviewed the millage certification documents submitted by your taxing authority and determined that it meets the certification requirements of sections 200.065 and 200.068, Florida Statutes. The Department has found no violation of the requirements of section 200.065, F.S., and accordingly accepts your certification.

Sincerely,

John R. Everton, Director
Property Tax Administration Program

JRE/vs #60.31

RECEIVED
NOV 16 2001
City Clerk's Office

RECEIVED
OCT 19 2001
CITY MANAGER'S OFFICE

ORDINANCE NO. 2909

AN ORDINANCE 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 MULTIPLE FAMILY DWELLING DISTRICT" FOR 2.56 ACRES OF LAND LOCATED AT 4216 LEO LANE, RIVIERA BEACH; 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 which changes the actual zoning map; and

WHEREAS, the subject property is currently assigned a Palm Beach County Agricultural zoning classification; and

WHEREAS, on August 9, 2001, the Planning and Zoning Board conducted a public hearing and reviewed the proposed zoning change from Palm Beach County Agricultural to the City of Riviera Beach RML-12 (Low Density Multiple Family Dwelling District) and forwarded its 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 of RML-12 to 2.56 acres of land located at 4216 Leo Lane, Riviera Beach; The legal description is as follows:

Parcel 1: Parcel of land in the north one-half of the northeast one-quarter of Section 25, Township 42 South, Range 42 east, Palm Beach County, Florida and
Parcel 2: Easterly six feet of a parcel of land in north half of northeast quarter of Section 25, township 42 South, Range 42 East, Palm Beach County, Florida.

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.

ORDINANCE NO. 2909
PAGE -2-

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.

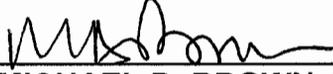
Section 4. The effective date for the enactment of this Ordinance shall be 31 days from the adoption hearing.

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 5th day of September 2001.

PASSED AND ADOPTED on Second Reading this 19th day of September 2001.

APPROVED:

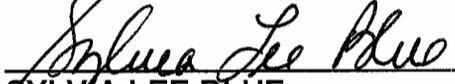

MICHAEL D. BROWN, MAYOR

[MUNICIPAL SEAL]


EDWARD RODGERS,
CHAIRPERSON

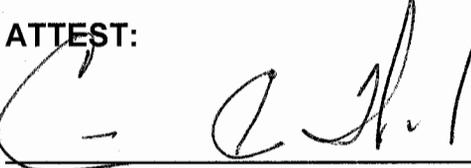

DAVID G. SCHNYER,
CHAIRPERSON PRO-TEM


DONALD R. WILSON


SYLVIA LEE BLUE


ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK

1st Reading

2nd & Final Reading

MOTIONED BY:

E. Wade

D. Wilson

SECONDED BY:

S. Blue

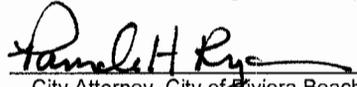
E. Wade

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

aye
out
aye
aye
aye

aye
aye
aye
aye
aye

Reviewed as to legal sufficiency


City Attorney, City of Riviera Beach

Date: 8/24/01

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.

September 19, 2001
Date

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

ORDINANCE NO. 2910

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY PROVIDING A TEXT AMENDMENT TO THE CAPITAL IMPROVEMENTS ELEMENT; ADDING DEFINITIONS TO THE COMPREHENSIVE PLAN; AND PROVIDING A NEW ELEMENT ENTITLED "PUBLIC SCHOOL FACILITIES"; PROVIDING A CONFLICT CLAUSE AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Section 163.3177(12) F.S. provides guidelines to adopt a Public School Facilities Element for the purpose of implementing school concurrency; and

WHEREAS, The City of Riviera Beach entered into an Interlocal Agreement with Palm Beach County and the School District of Palm Beach County School concerning its School Concurrency Program; and

WHEREAS, The School Concurrency Interlocal Agreement requires each participating local government to incorporate School Concurrency in their adopted Comprehensive Plan; and

WHEREAS, The City of Riviera Beach, Palm Beach County, and the School District of Palm Beach County, have determined that the safe, convenient, orderly and adequate provision of public school facilities is essential to the health, safety, and general welfare of the citizens of Palm Beach County; and

WHEREAS, The goal of school concurrency is to provide for future availability of public school facilities consistent with Palm Beach County's adopted level of service; and

WHEREAS, The City of Riviera Beach in coordination with the School District and 25 other municipalities have adopted public school concurrency as an implementation tool in the new Public School Facilities Elements of the City of Riviera Beach Comprehensive Plan.

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

Section 1. That the City of Riviera Beach, Palm Beach County, Florida hereby adopts amendments to the Comprehensive Plan Update, amending the Capital Improvements Element (exhibit 1), providing a new element entitled "Public School Facilities Element"(exhibit A), and adding definitions to the Comprehensive Plan (exhibit B).

ORDINANCE NO. 2910
PAGE 2

Section 2. That the City Clerk is hereby directed to transmit three (3) copies of the amendments to the Comprehensive Plan to the Department of Community Affairs, along with one (1) copy to the Department of Environmental Protection, the South Florida Water Management District, the Florida Department of Transportation, the Treasure Coast Regional Planning Council, the Florida Department of State, Bureau of Historic Preservation, Palm Beach County Growth Management Department, and to IPARC.

Section 3. That all ordinances or part of ordinances in conflict are hereby repealed.

Section 4. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or work be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 5. That the effective date of this plan amendment shall be the date a final order of compliance is issued by the Florida Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with section 163.3184 (9), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependant on this amendment may be issued or commence before it has become effective.

PASSED AND APPROVED on First Reading this 19th day of September 2001.

PASSED AND ADOPTED on Second Reading this 19th day of November 2001.

APPROVED:

Michael D. Brown
MICHAEL D. BROWN, MAYOR

[MUNICIPAL SEAL]

Edward Rodgers
EDWARD RODGERS,
CHAIRPERSON

David G. Schnyer
DAVID G. SCHNYER,
CHAIRPERSON PRO-TEM

Donald R. Wilson
DONALD R. WILSON

Sylvia Lee Blue
SYLVIA LEE BLUE

Elizabeth "Liz" Wade
ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

ATTEST:

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

1st Reading

2nd & Final Reading

MOTIONED BY: D. Wilson

D. Wilson

SECONDED BY: E. Wade

S. Blue

E. RODGERS aye

aye

D. SCHNYER aye

aye

D. WILSON aye

aye

S. BLUE aye

aye

E. WADE aye

aye

Reviewed as to legal sufficiency

Samuel H. Ry
City Attorney, City of Riviera Beach

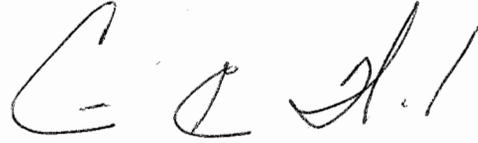
Date: 9/12/01

ORDINANCE NO. 2910
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 19, 2001
Date


Carrie E. Ward, CMC/AE, City Clerk

ORDINANCE NO. 2911

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, RELATING TO FIRE PREVENTION AND PROTECTION; REPEALING SECTIONS 6-7, 6-31, 6-32, 6-33, AND 6-34 OF CHAPTER 6 FIRE PREVENTION AND PROTECTION OF THE CITY'S CODE OF ORDINANCES, ADOPTING THE FLORIDA FIRE PREVENTION CODE; ADOPTING LOCAL AMENDMENTS TO THE FLORIDA FIRE PREVENTION CODE; ADOPTING A FEE SCHEDULE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach finds that it is in the best interest of the public health, safety and welfare to establish a reasonable level of fire safety and property protection from the hazards created by fires, hazardous materials, natural and man-made disasters, and explosions; and

WHEREAS, pursuant to recent amendments to Chapter 633, Florida Statutes, the State Fire Marshal has adopted, by rule, the Florida Fire Prevention Code and the 2000 Edition of the National Fire Protection Association Life Safety Code, both as may be amended by the State Fire Marshal by Rule; and

WHEREAS, Chapter 633, Florida Statutes, requires local governments with firesafety responsibilities to enforce the Florida Fire Prevention Code as the minimum firesafety code; and

WHEREAS, Chapter 633, Florida Statutes, authorizes local governments to adopt more stringent local amendments to the Florida Fire Prevention Code which strengthen the requirements of the minimum firesafety code; and

WHEREAS, the Fire Chief of the City of Riviera Beach recommends that the City Council adopt the provisions of the Florida Fire Prevention Code and the National Fire Protection Association Life Safety Code as amended by the State Fire Marshal and the local amendments proposed herein to provide a higher level of protection to the public than the level specified in the Florida Fire Prevention Code.

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

Section 1: Sections 6-7, 6-31, 6-32, 6-33, AND 6-34 of Chapter 6, Fire Prevention and Protection of the City's Code of Ordinances are hereby repealed in their entirety:

Sec. 6-7. Violations, penalty.

~~(a) — It shall be unlawful for any person to violate this chapter, to permit or maintain such a violation, to refuse to obey any provision thereof or to fail or refuse to comply with any such provision of regulation except as variation may be allowed by the action of the fire marshal in writing. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of that premises. Prosecution or lack thereof of either the owner, occupant or the person in charge shall not be deemed to relieve any of the others.~~

~~(b) — It is unlawful for any person to violate any of the provisions of the fire prevention code adopted in this chapter or to fail to comply therewith or fail to comply with any order made thereunder. It is unlawful for any person to build in violation of any detail, statement, specification or plan submitted or approved thereunder or to operate not in accordance with the provisions of any certificate, permit or approval issued thereunder, and from which no appeal has been taken. It is unlawful for any person to fail to comply with such an order as affirmed or modified by the fire marshal or by an order as affirmed by a court of competent jurisdiction within the time fixed herein. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, but in no case more than 45 days, unless specified from the issuance of a written warning, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.~~

~~(c) — Any owner and or occupant who after a minimum of 45 days from receipt of a written warning in accordance with section 6-13 shall continue to violate any of the provisions of the code cited in the written warning; or shall fail to comply therewith; or shall continue to violate or fail to comply with any order made thereunder; or shall continue to build in violation of any detail, statement, specification or plans submitted or approved thereunder; or shall continue to operate not in accordance with the provisions of any certificate, permit or approval issued thereunder; or who shall fail to comply with such a written warning, severally for each and every violation and noncompliance, respectively, shall be guilty of a code infraction in violation of a duly enacted ordinance of the city and shall receive a notice attesting to the facts constituting probable cause of such violation. Each day that such violation or violations exist shall be a separate violation.~~

~~(d) — The applicable penalty, should the person correct the violation and not contest the violation, shall be \$50.00, payable within a period of 30 days from its~~

~~issuance. The applicable penalty, should the person contest the violation at the code enforcement hearing and be found in violation of an enacted fire code ordinance of the city, shall be \$500.00. Should the person fail to pay the penalty within the 15-day time period allowed, or fail to appear at the hearing to contest his warning violation, then he shall be deemed to have waived his right to contest the warning violation and, in such case, judgment may be entered against the person for an amount up to the maximum penalty of \$500.00. The imposition of a penalty for any violation shall not excuse the violation, nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions by injunction or as otherwise permitted by law.~~

~~(e) — Any person who willfully refuses to sign and accept a warning violation issued by a fire safety inspector shall be guilty of a misdemeanor of the second degree as provided in F.S. § 633.052, and punishable as provided in F.S. § 775.082, F.S. § 775.083 or F.S. § 775.084.
(Ord. No. 2608, § 1(6-8), 12-1-93)~~

~~Sec. 6-31. Codes adopted.~~

~~(a) — This chapter shall be known as the Fire Prevention Code of the City of Riviera Beach. This code adopts NFPA 1, Fire Prevention Code, of the National Fire Protection Association, and its incorporated standards and codes as published in the National Fire Codes of the National Fire Protection Association and listed in Annex A of the NFPA Fire Prevention Code and being particularly the 1992 edition thereof, save and except those portions such as are hereinafter deleted, modified, or amended by section 6-3. The same are hereby adopted and incorporated as fully as if set out at length herein. This code references F.S. §§ 633.121 and 633.15; and the state fire marshal's rules and regulations. Not less than one copy of the adopted issue of NFPA 1, Fire Prevention Code, of the National Fire Protection Association, the adopted standards and codes of the National Fire Codes, and the above-referenced state statutes and state fire marshal's rules and regulations shall be filed in the office of city clerk and the provisions thereof shall be controlling within the limits of the city.~~

~~(b) — The fire chief or the fire marshal shall also recommend any amendments to the fire prevention code of the city that shall be desirable.
(Ord. No. 2608, § 1(6-2), 12-1-93)~~

~~Sec. 6-32. Amendments to code.~~

~~The NFPA 1 Fire Prevention Code of the National Fire Protection Association adopted in section 6-31 is amended and changed in the following respects:~~

~~NFPA 1 3-4.1 Restrictions on burning. No bonfires, camp fires or any other type fires allowed on the municipal beach.~~

~~NFPA 1 3-4.7 Restrictions on outdoor grills. No barbecue grills of any kind shall be located above ground level, including on balconies or terraces.~~

~~NFPA 1 3-5.1 Required access for fire apparatus. All premises that the fire department may be called upon to protect in case of fire and that are not readily accessible from public roads shall be provided with suitable gates, access roads and fire lanes so that all portions of buildings on the premises are accessible to fire apparatus within 150 feet for unsprinkled buildings and 350 feet for sprinkled buildings.~~

~~NFPA 1 3-5.2 Fire lanes. Fire lanes shall be provided for all buildings that are set back more than 150 feet from a public road or exceed 30 feet in height and are set back more than 50 feet from a public road.~~

~~Fire lanes shall be at least 20 feet in clear, unobstructed width with the road edge closest to the building at least ten feet from the building. Any dead end road or fire lane more than 200 feet long shall be provided with a turnaround according to subsection 30-71(d). There shall be no overhead canopies, roof, extensions or projections above a fire lane that would impede access to that fire lane, and in no case less than 13 feet, six inches above the grade height.~~

~~NFPA 1 3-6.1. Each building for which permit is drawn after January 1, 1988, and which is greater than 5,000 square feet shall be provided with a lock box approved by the fire department containing the necessary keys for fire department access, the location of which will be coordinated with the fire marshal.~~

~~NFPA 1 6-2.2.1 Standpipes required. All buildings more than two stories in height or over 30 feet in height abovegrade and containing intermediate stories or balconies shall be equipped with a standpipe system in accordance with the provisions of NFPA 14, Standard for the Installation of Standpipe and Hose Systems. Location of the hose valves on each floor is subject to the approval of the fire marshal. In buildings completely protected by automatic sprinkler systems, the required standpipe system can be installed as part of a combined system in accordance with the provisions of NFPA 14, Standard for the Installation of Standpipe and Hose Systems. Exception: This subsection shall not~~

~~apply to industrial process structures where life or property is not imperiled by fire or explosion.~~

~~NFPA 1 6 5.1 Water supply and fire hydrants. The fire marshal may require that all premises where buildings or portions of buildings, other than one and two-~~

~~family dwellings, are constructed and located in such a manner that access to public fire hydrants is minimal or of a distance such that the fire marshal can demonstrate that firefighting operations would be impaired, be provided with a water supply system installed in accordance with the provisions of NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances. Fire hydrants shall be supplied so that all portions of all buildings for which a permit is drawn after the adoption of this code shall be located within 350 feet of a hydrant. The installation of all fire hydrants and private fire service mains shall be in accordance with the provisions of NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances. Where automatic fire sprinkler systems and/or standpipe systems are required by some other section of this code, their fire department connection shall be located within 150 feet of a public fire hydrant or be provided with a private hydrant and a water supply system installed in accordance with the provisions of NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances.~~

~~NFPA 1 7 1 Automatic sprinkler system required. Automatic sprinkler systems shall be required as set forth in the applicable NFPA codes and standards or as may otherwise be required by this jurisdiction.~~

~~[(1)] Automatic sprinkler systems in compliance with all applicable adopted codes shall be required for:~~

- ~~_____ a. All new buildings totaling 5,000 square feet or more gross floor area.~~
- ~~_____ b. All new buildings with three or more floor levels.~~
- ~~_____ c. All new buildings 30 or more feet in height, measured to the highest point of the structure.~~

~~This requirement is independent of the type of construction or type of occupancy of the building. Gross floor area shall be computed by determining the entire square footage under roofs, coverings or permanent awnings, regardless of any separations. The square footage of each floor level shall be counted separately and combined to achieve a total gross floor area.~~

~~[(2)] Automatic sprinkler systems in compliance with all applicable adopted codes shall be required for:~~

- ~~_____ a. All existing buildings totaling 5,000 square feet or more gross floor area for which there is a change of occupancy as defined by NFPA 101, 1991 edition, or alterations or renovations causing an increase in gross floor area.~~

~~_____ b. All existing buildings with three or more floor levels for which there is a change of occupancy as defined by NFPA 101, 1991 edition, or alterations or renovations causing an increase in gross floor area.~~

~~_____ c. All existing buildings 30 or more feet in height, measured to the highest point of the structure for which there is a change of occupancy as defined by NFPA 101, 1991 edition, or alterations or renovations causing an increase in gross floor area.~~

~~This requirement is independent of the type of construction or type of occupancy of the building. Gross floor area shall be computed by determining the entire square footage under roofs, coverings, or permanent awnings, regardless of any separations. The square footage of each floor level shall be counted separately and combined to achieve a total gross floor area.~~

~~[(3)] Automatic sprinkler systems in compliance with all applicable adopted codes shall be required for:~~

~~_____ a. All existing buildings totaling less than 5,000 square feet or more gross floor area for which alterations or renovations occur causing an increase in gross floor area to 5,000 square feet or greater.~~

~~_____ b. All existing buildings with less than three floor levels for which alterations or renovations occur causing an increase in gross floor area to 5,000 square feet or greater or an increase in floor levels to three or more.~~

~~_____ c. All existing buildings less than 30 feet in height, measured to the highest point of the structure for which alterations or renovations occur causing an increase in gross floor area to 5,000 square feet or greater or an increase in height to 30 or more feet.~~

~~This requirement is independent of the type of construction or type of occupancy of the building. Gross floor area shall be computed by determining the entire square footage under roofs, coverings or permanent awnings, regardless of any separations. The square footage of each floor level shall be counted separately and combined to achieve a total gross floor area.~~

~~[(4)] Automatic sprinkler systems in compliance with all applicable adopted codes shall be required for all portions or sections of buildings and structures which are below grade or which constitute the basement area of a building or structure, including underground storage, parking areas or garages, regardless of floor area or type of construction.~~

~~[(5)] Automatic sprinkler systems shall be required for all buildings which are utilized for storage where said storage is in excess of 15 feet in height, hereinafter referred to as high pile storage. Such automatic sprinkler system requirement shall exist regardless of building height, separation, or gross square footage. (See Ordinance No. 2372.)~~

~~[(6)] All automatic sprinkler systems shall be monitored by an approved, Underwriters' Laboratories certified central station and in compliance with all applicable adopted codes.~~

~~(Ord. No. 2608, § 1(6-3), 12-1-93)~~

~~Sec. 6-33. Code appendices adopted.~~

~~The following Appendixes of NFPA 1, Fire Prevention Code of the National Fire Protection Association adopted in section 6-31 are hereby included as a part of this jurisdiction's fire prevention code, save and except those portions that are deleted, modified or amended by this section. The same are hereby adopted and incorporated as fully as if set out at length herein.~~

- ~~(1) Appendix A. Explanatory notes.~~
 - ~~(2) Appendix B. Oxidizers and organic peroxides.~~
 - ~~(3) Appendix C. Referenced publications.~~
- ~~(Ord. No. 2608, § 1(6-4), 12-1-93)~~

~~Sec. 6-34. Fees.~~

~~The fees established for permits, certificates, approvals and other functions performed under the fire prevention code shall be payable to the city. Such fees shall accompany each application for such permit, approval, certificate or other related fee-related code provision. A permit fee for a hotel barbecue fire at a grill not located with a four-wall enclosure shall be established by the city manager.~~

~~(Ord. No. 2608, § 1(6-5), 12-1-93)~~

Section 2: The following new sections are hereby created to read:

Article II: Fire Prevention Code

Section 1. Code Adopted

In accordance with Sections 633.0215 and 633.025, Florida Statutes, the "Florida Fire Prevention Code" adopted by the State Fire Marshal in Rule 4A-60 of the Florida Administrative Code, as may be amended, including NFPA 1 Fire Prevention Code (2000 edition) and NFPA 101 Life Safety Code (2000 Edition), both as modified by Rule 4A-60 of the Florida Administrative Code, is deemed adopted by reference, as fully as if set out at length herein, as the minimum firesafety code, and is hereby amended by the "Riviera Beach Local Amendments to the Florida Fire Prevention Code". Three (3) copies of the "Florida Fire Prevention Code" and the "Riviera Beach Local Amendments to the Florida Fire Prevention Code" shall be on file and are open to inspection by the public in the office of the City Clerk of the City of Riviera Beach, Palm Beach County, Florida. The same are hereby adopted as the code of the City of Riviera Beach, Palm Beach County, Florida for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion and providing for issuance of permits and collection of fees.

Section 2. Violations, Penalties.

The provisions of this Code and any orders issued pursuant thereto may be appealed and / or enforced under the procedures and penalties of Chapter 162, Florida Statutes as may be amended or recodified from time to time; or any other

means lawfully available for the enforcement of this Code. Additionally, the City may seek an injunction in circuit court to enforce any order issued pursuant to this Code.

Any person who shall violate any provision of this code or standard hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or failed to operate in accordance with any certificate or permit issued thereunder; and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified in accordance with the provisions of the Codes of the City of Riviera Beach or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by the provisions set forth in Florida Statutes. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day that prohibited conditions are maintained shall constitute a separate offense.

Section 3. Additions, Insertions, and Changes to Fire Code

These amendments, which shall be known as the "Riviera Beach Local Amendments to the Florida Fire Prevention Code," are as follows:

The following addition to the Florida Fire Prevention Code is created to read:

1-4.6.1 Buildings subject to this code are to be inspected to assure fire code compliance per the following schedule:

OCCUPANCY TYPE	INSPECTION CYCLE
Assembly	Annual
Educational	Annual
Day Care Center	Annual
Health Care	Annual
Ambulatory Health Care	Annual
Detention/Correctional	Annual
Residential Board and Care	Annual
Apartments (3-6 units with common area)	Every 3 Years
Apartments (3-6 units without common area)	Every 5 Years
Apartments (7-20 units)	Annual
Apartments (over 20 units)	Annual
Hotel / Dormitories	Annual
Lodging or Rooming Houses	Annual
Mercantile	Annual
Business	Every 2 Years
Industrial / Manufacturing	Annual
Storage	Every 2 Years
Special Property Use	Annual

Additional inspections may be scheduled by the City based on new construction, alteration of building construction or occupancy, or in response to complaints or observed fire code violations.

The following addition to the Florida Fire Prevention Code is created to read:
 1-4.6.2 If consent is not granted, the Authority Having Jurisdiction shall obtain an inspection warrant as provided for in Florida Statutes, section 933.20 through 933.30.

The following modification to the Florida Fire Prevention Code is created to read:
 3-4.7 No charcoal burners grills of any kind shall be kindled or maintained on combustible balconies or within 10 ft (3 m) of combustible patios on ground floors. Exception: Single-family dwellings.

The following modification to the Florida Fire Prevention Code is created to read:
 3-5.1 Fire lanes shall be provided for all of buildings when any portion of the facility or building is that are set back more than 150 ft (46 m) from a public road as measured by an approved exterior route around the facility or building or exceeds 30 ft (9 m) in height and any portion of the facility or building is are set back over 50 ft (15 m) from a public road. All measurements for fire lanes shall be made in an approved manner around the outside of the building and along an approved access road way. When measuring for fire lane distances, consideration shall be taken when dealing with retaining walls, fencing, swales, berms, or similar obstructions.

The following modification to the Florida Fire Prevention Code is created to read:
3-6 Access Boxes. The authority having jurisdiction shall have the authority to require an access box to be installed in an accessible location where access to or within a structure or area is difficult because of security. Access Boxes shall be required for every building with a required fire sprinkler system or fire alarm system. The access box shall be a type approved by the authority having jurisdiction and shall contain keys or other devices necessary to gain access as required by the authority having jurisdiction. The operator of the premises shall immediately notify the authority having jurisdiction, and provide the new keys or other devices, any time a lock is changed or rekeyed and a key or other device to that lock is contained in the access box.

The following modification to the Florida Fire Prevention Code is created to read:
7-2.2.2 New buildings more than three stories in height or new buildings over 50 ft (15 m) in height above grade and containing intermediate stories or balconies shall be equipped with an automatic standpipe system installed in accordance with the provisions of this section and NFPA 14, Standard for the Installation of Standpipe, Private Hydrant, and Hose Systems.

The following addition to the Florida Fire Prevention Code is created to read:
7-3.1.3 Where required by this Code or the referenced codes and standards listed in Chapter 32, automatic sprinkler systems shall be continuously monitored by a certified central station fire alarm system providing service that complies with all requirements of NFPA 72, National Fire Alarm Code.

The following addition to the Florida Fire Prevention Code is created to read:
7-3.2.1.1 All new buildings totaling 5,000 square feet or more of gross floor area shall be protected throughout by an approved automatic sprinkler system in accordance with 7-3.1.1. For the purposes of this section, gross floor area shall be computed by determining the entire square footage of floor area under roofs, coverings or permanent awnings, regardless of any separations. The square footage of each floor level shall be counted separately and combined to achieve a total gross floor area.

The following addition to the Florida Fire Prevention Code is created to read:
7-3.2.1.2 All existing buildings not protected by an approved automatic sprinkler system and totaling 5,000 square feet or more of gross floor area undergoing alterations or renovations causing any increase in gross floor area shall be protected throughout by an approved automatic sprinkler system in accordance with 7-3.1.1. For the purposes of this section, gross floor area shall be computed by determining the entire square footage of floor area under roofs, coverings or permanent awnings, regardless of any separations. The square footage of each

floor level shall be counted separately and combined to achieve a total gross floor area.

The following addition to the Florida Fire Prevention Code is created to read:
7-3.2.1.3 All existing buildings totaling less than 5,000 square feet of gross floor area for which alterations or renovations cause an increase in gross floor area to 5,000 square feet or more shall be protected throughout by an approved automatic sprinkler system in accordance with 7-3.1.1. For the purposes of this section, gross floor area shall be computed by determining the entire square footage of floor area under roofs, coverings or permanent awnings, regardless of any separations. The square footage of each floor level shall be counted separately and combined to achieve a total gross floor area.

The following addition to the Florida Fire Prevention Code is created to read:
7-3.2.2 Basement areas, below grade areas, and underground parking areas or garages of new occupancies exceeding 2500 ft² (232.3 m²) shall be protected throughout by an approved automatic sprinkler system.

The following addition to the Florida Fire Prevention Code is created to read:
7-5.1.1 An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into this jurisdiction. On-site fire hydrants and mains capable of supplying the required fire flow shall be provided when any portion of the facility or building protected is in excess of 350 feet from a water supply on a public street, as measured by an approved exterior route around the facility or building. All measurements for hydrants shall be made in an approved manner around the outside of the building and along an approved access road way. When measuring for hydrant distances, consideration shall be taken when dealing with retaining walls, fencing, swales, berms, or similar obstructions.

The following addition to the Florida Fire Prevention Code is created to read:
7-5.1.2 The authority having jurisdiction may determine the number and approve the location of fire hydrants for buildings or portions of buildings, other than one- and two-family dwellings, that are constructed and located in such a manner that access to public fire hydrants is minimal or of a distance such that the authority having jurisdiction can demonstrate that firefighting operations would be impaired.

The following addition to the Florida Fire Prevention Code is created to read:
7-5.1.3 Where an automatic fire sprinkler system and/or standpipe system is required by this code or some other code, the fire department connection shall be located within 150 feet of a public or private fire hydrant.

Section 4. Fire Rescue Fee Schedule

The following fees shall be established for permits, certificates, approvals, and other functions performed under this Code and shall be payable to the City of Riviera Beach. Such fees shall accompany such application for such permit, approval, certificate, or other related fee related code provisions.

Water Flow Tests

A fee of fifty (\$50.00) dollars shall be paid for all flow tests performed by Riviera Beach Fire Rescue.

Inspection Fees

The schedule for New Construction Fire Rescue plan review and inspection is as follows:

	Plan Review and 1 st Inspection
New Construction - Inspection and Plan Review Fee	\$2.25 per \$1000 of improvement costs (\$15.00 minimum)

The schedule for Existing Building Fire Rescue inspections, per building, based on fixed property use, shall be as follows:

Occupancy	1st Inspection
Assembly Occupancy of	
50 – 299 persons	\$50.00
300 – 999 persons	\$75.00
1,000 – 4,999 persons	\$150.00
5,000 persons or >	\$250.00
Educational	
Day Care / Preschool	\$30.00
All Others	\$75.00
Healthcare / Institutional	
5000 sq. ft. and under	\$50.00
5001 – 15,000 sq. ft.	\$100.00
15,001 – 30,000 sq. ft.	\$150.00
30,001 – 100,000 sq. ft.	\$200.00
100,001 sq. ft. or >	\$300.00
Apartments, Transient Lodging	
24 units and <	\$50.00
25 – 100 units	\$75.00
101 – 500 units	\$150.00
501 units or >	\$250.00

Residential Board & Care, Adult Living Facilities	
24 client license and <	\$50.00
25 – 50 client license	\$75.00
51 client license and >	\$150.00
Mercantile, Office, Storage, Industrial, and Manufacturing	
5000 sq. ft. and under	\$50.00
5001 – 15,000 sq. ft.	\$100.00
15,001 – 30,000 sq. ft.	\$150.00
30,001 – 100,000 sq. ft.	\$200.00
100,001 sq. ft. or >	\$300.00
Marinas (Docks)	
50 boat slips and <	\$50.00
51 – 100 boats slips	\$150.00
101 – 250 boats slips	\$200.00
251 boat slips and >	\$300.00
Temporary Structures, Tents	\$30.00
Commercial LP Gas Facilities	\$50.00
Mulching Facilities	\$150.00
Other – All subject occupancies not listed	\$50.00

Re-Inspections

There shall be a twenty-five (\$25.00) dollar charge for each re-inspection which requires any additional trip to a building or job site by a fire inspector. This fee shall be applicable to New Construction and Existing Inspections.

SECTION 5: Inclusion in the Code of Ordinances. 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 6: Severability 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 7: Repeal of Laws in Conflict. 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.

ORDINANCE NO. 2911
PAGE 14

SECTION 8: Authority to Codify. Specific authority is hereby granted to codify this ordinance.

SECTION 9: Effective Date. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED AND APPROVED on first reading this 19th day of December, 2001.

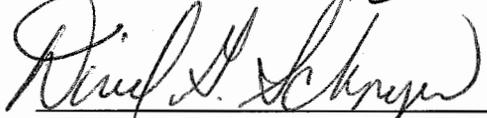
PASSED AND ADOPTED on second and final reading this 2nd day of January, 2002.

APPROVED:


MICHAEL D. BROWN, MAYOR

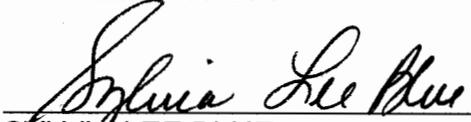

EDWARD RODGERS, CHAIRPERSON

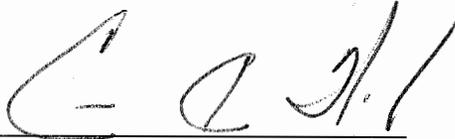
MUNICIPAL SEAL)

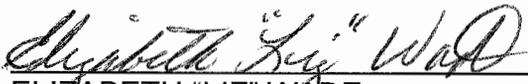

DAVID G. SCHNYER, CHAIR PRO-TEM

ATTEST:


DONALD R. WILSON


SYLVIA LEE BLUE


CARRIE E. WARD, CMC/AE
CITY CLERK


ELIZABETH "LIZ" WADE,
COUNCIL MEMBERS

MOTIONED BY: D. Schnyer

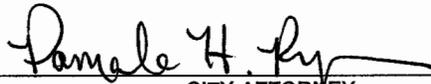
E. Wade

SECONDED BY: E. Wade

D. Wilson

	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>aye</u>
S. BLUE	<u>aye</u>	<u>aye</u>
D. SCHYNER	<u>aye</u>	<u>aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY



CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 12/12/01

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: 2912

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

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

WHEREAS, the City Council of the City of Riviera Beach approved Resolution 88-01, relating to "finding a blighted area exists in the City" and specifying the Expanded CRA Area; and

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

WHEREAS, the Local Planning Agency reviewed the Plan and provided written recommendations as to its conformity with the Comprehensive Plan to the Agency; and

WHEREAS, the Local Planning Agency, held a series of public meetings on the following dates: February 15, 2001, March 22, 2001, November 15, 26, and 29, 2001, with respect to said conformity with the Comprehensive Plan; and

WHEREAS, the Agency having reviewed the written recommendations of the Local Planning Agency, including the Agency's recommendation for approval,

submitted the Plan to the City Council of the City of Riviera Beach and to each taxing authority that levies ad valorem taxes on taxable real property contained in the geographical boundaries of the redevelopment area; and

WHEREAS, the Agency held a public hearing, duly noticed, on December 12, 2001, and, after receiving comments from the public and discussion by the Board of Commissioners, approved the Plan; and

WHEREAS, the City Council found that the Plan meets the requirements for adoption as contained in Section 163.360 (7), Section 163.361 and Section 166.041, Florida Statutes 2000.

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

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

SECTION 2. The City Council finds that the Inlet Harbor City of Riviera Beach Redevelopment Plan Modification 2001 meets the requirements of Sections 163.360, 163.361, 163.362, and 166.041, Florida Statutes (2000).

SECTION 3. The City Council, having held a public hearing as required by law, having received the comments from the public, Planning and Zoning Board acting as the Local Planning Agency and from the City of Riviera Beach Community Redevelopment Agency hereby approves and adopts the Inlet Harbor City of Riviera Beach Redevelopment Plan Modification 2001. Said Plan is attached hereto as Exhibit "A" and made a part of this Ordinance by reference.

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

SECTION 5. Should any one or more of the provisions of this ordinance be held invalid, such provision shall be null and void and shall be deemed separate from the remaining provisions and shall in no way affect the validity of any of the remaining provisions of the ordinance.

SECTION 6. All ordinances or parts of ordinances in conflict are repealed.

ORDINANCE NO. 2912

PAGE 3

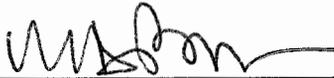
SECTION 7. The effective date of this Plan shall be the date a final order of compliance is issued by the Florida Department of Community Affairs or Administration Commission finding the City of Riviera Beach Comprehensive Plan Updated, adopted November 7, 2001, in compliance in accordance with Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

ORDINANCE NO. 2912
PAGE 4

PASSED and APPROVED on First Reading this 19th day of December, 2001.

PASSED and ADOPTED on Second and Final Reading this 2nd day of
January, 2001²

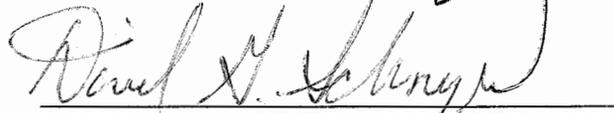
APPROVED:



MICHAEL D. BROWN, MAYOR



EDWARD RODGERS, CHAIRPERSON



DAVID G. SCHNYER, CHAIRPERSON
PRO-TEM



DONALD R. WILSON

{MUNICIPAL SEAL}

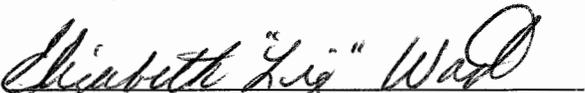
ATTEST:



SYLVIA LEE BLUE



CARRIE E. WARD, CMC/AAE
CITY CLERK



ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

MOTIONED BY
SECONDED BY

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

1ST Reading 2nd & Final Reading

D. Wilson S. Blue
D. Schnyer D. Schnyer

_____ aye _____ aye
_____ aye _____ aye
_____ aye _____ aye
_____ aye _____ aye
_____ aye _____ aye

REVIEWED AS TO LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE 12/14/01

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/SE/REDEVELOPMENT PLAN/December 12, 2001

ORDINANCE NO. 2913

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING SECTION 2-29 ENTITLED "RULES OF PROCEDURE" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH, FLORIDA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A CODIFICATION CLAUSE; A SEVERABILITY AND A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach City Council desires to avoid possible duplications and/or conflicts in The Rules of Procedure which govern City Council Meetings; and

WHEREAS, the Rules of Procedure previously are set forth in Section 2-29 of The Code of Ordinances and in Resolution Number 47-01 and are possibly duplicative and/or conflicting; and

WHEREAS, the City Council has determined that it is in the best interests of the citizens and of the City of Riviera Beach to maintain a single set of Rules of Procedure; and

WHEREAS, the City Council has determined that to further the goal of a single set of Rules and Procedures that all other provisions with respect to said rules have been or will be repealed; and

WHEREAS, the City Council has determined that it is in the best interests of the citizens and of the City of Riviera Beach to maintain flexibility with regard to its Rules of Procedure; and

WHEREAS, the City Council has determined that the best vehicle to maintain such flexibility is by adoption of a Resolution setting forth the entire City Council Rules and Procedures for City Council Meetings; and

WHEREAS, the City Council has determined that to further the aforementioned goals a Resolution will be or has been adopted.

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

Section 1. That Section 2-29 of The Code of Ordinances entitled "Rules of Procedure" is hereby repealed in its entirety.

Section 2. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part thereof other than the part declared to be invalid.

Section 3. Specific authority is hereby granted to codify this ordinance.

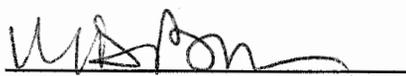
Section 4. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

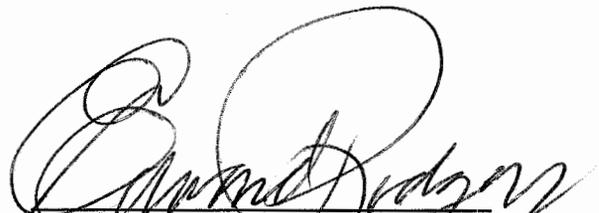
Section 5. The ordinance shall take effect immediately upon its final passage and adoption.

PASSED and APPROVED on first reading this 6th day of February, 2002.

PASSED and ADOPTED on second and final reading this 20th day of February, 2002.

APPROVED:


MICHAEL D. BROWN
MAYOR


EDWARD RODGERS
CHAIRPERSON

(MUNICIPAL SEAL)


DAVID G. SCHNYER
CHAIRPERSON PRO TEM

ATTEST:


DONALD R. WILSON

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

Sylvia Lee Blue
SYLVIA LEE BLUE

Elizabeth "Liz" Wade
ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

REVIEWED FOR LEGAL SUFFICIENCY

By: Samuel H. Ry
City Attorney
City of Riviera Beach

Date: 1/28/02

MOTIONED BY:	<u>D. Wilson</u>	<u>S. Blue</u>
SECONDED BY:	<u>S. Blue</u>	<u>D. Schnyer</u>
E. Rodgers	<u>aye</u>	<u>aye</u>
D. Schnyer	<u>out</u>	<u>aye</u>
D. Wilson	<u>aye</u>	<u>aye</u>
S. Blue	<u>aye</u>	<u>aye</u>
E. Wade	<u>aye</u>	<u>aye</u>

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.

2/20/02
Date

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

ORDINANCE NO. 2914

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING COMPREHENSIVE PLAN AMENDMENTS TO IMPLEMENT SETTLEMENT AGREEMENTS BETWEEN THE CITY OF RIVIERA BEACH AND THE DEPARTMENT OF COMMUNITY AFFAIRS AND MARTHA BABSON; THE CITY OF RIVIERA BEACH AND THE DEPARTMENT OF COMMUNITY AFFAIRS AND GERALD WARD; AND THE CITY OF RIVIERA BEACH AND THE DEPARTMENT OF COMMUNITY AFFAIRS AND BAYARD AND MARILYN MOFFITT; REVISING ITS COMPREHENSIVE PLAN BASED ON THE SETTLEMENT AGREEMENTS INCLUDING THE POLICIES OF THE FUTURE LAND USE ELEMENT, COASTAL MANAGEMENT ELEMENT, RECREATION AND OPEN SPACE ELEMENT, INFRASTRUCTURE ELEMENT AND ALL MAP SERIES INCLUDING THE FUTURE LAND USE MAP; TO REVISE AND UPDATE THE EXISTING COMPREHENSIVE PLAN ADOPTED ON NOVEMBER 7, 2001, IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPER 163 FLORIDA STATUTES; PROVIDING FOR A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the State Legislature of the State of Florida has mandated that all municipalities draft and adopt comprehensive development plans to provide thorough and consistent planning with regard to land within their corporate limits; and

WHEREAS, the City of Riviera Beach adopted its Comprehensive Plan Update on November 7, 2001, and the Department of Community Affairs published its Notice of Intent to find the Riviera Beach Comprehensive Plan "In Compliance" with State Statutes on December 31, 2001; and

WHEREAS, five parties filed appeal to the Department of Community Affairs finding of "In Compliance".

WHEREAS, the City of Riviera Beach, Department of Community Affairs, and the Objecting Parties listed in this Ordinance, have through mediation, settled their appeals and hereby adopt the following plan amendments to implement said settlements.

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

Section 1. That the City of Riviera Beach, Palm Beach County, Florida hereby adopts the following text amendments to the Comprehensive Plan:

Future Land Use Element:

New Policy 1.1.20: By 2004, the City, in coordination with the CRA, shall evaluate continuing the existing waterfront land uses within the Future Land Use Map Mixed Use areas, in the context of the overall goals and objectives of redevelopment.

Objective 1.11 and Policy 1.11.1 will be revised to read:

Objective 1.11 Historic Preservation: The City shall consider the historic value and character of the downtown in the context of redevelopment efforts. Moreover, to the extent structurally feasible, the City shall preserve and adaptively reuse the restored Spanish Courts Motel Buildings. Structural feasibility shall be determined by a certified structural engineer, in consultation with the Florida Division of Historical Resources and the Florida Trust for Historic Preservation. The City shall also preserve any readily accessible artifacts located in the archeological site.

Policy 1.11.1: By 2004, the CRA (in coordination with the City planning staff) shall perform an archaeological and historic assessment of the downtown redevelopment area (the City's oldest area) in conjunction with redevelopment planning. No later than the end of 2002, the City, in coordination with the CRA, shall perform an archeological and historic survey of the downtown redevelopment area. No structural disturbance of the restored Spanish Courts will occur prior to completion of the survey.

Recreation and Open Space Element:

New Policy 1.1.2: By 2004, the City shall explore all existing or potential parks and other sites which may be a suitable alternative to Redevelopment Plan Parcel TC-2, to achieve the intent of Policy 1.1.3 to provide one additional opportunity for a water related urban access park with a boat ramp.

Former Recreation and Open Space Policy 1.1.2 will be renumbered as Policy 1.1.3.

Amend Policy 1.2.1(13):

13. Bicentennial Park (may be relocated in the redevelopment area)

Any such relocation would comply with the rules of the state and federal agencies responsible for the administration of Land and Water Conservation Fund projects.

Infrastructure Element:

Amend Policy 1.7.2: The City shall assist the County in enforcing the countywide wellfield protection ordinance through its code enforcement programs, ~~by coordinating with the Palm Beach County Department of Environmental Resource Management.~~ by complying with Palm Beach County Department of Environmental Resource Management and all other appropriate agency requirements.

Section 2. That the City of Riviera Beach, Palm Beach County, Florida hereby adopts the following Map amendments to the Comprehensive Plan:

Jurisdictional Boundaries:

- Exhibit A. Revision to the Future Land Use Map depicting the accurate corporate boundaries of the City.
- Exhibit B. Revision to the Map Series within the Comprehensive Plan depicting the accurate corporate boundaries of the City.

Historic Resource Map:

- Exhibit C. A new map within the Map Series located in the Future Land Use Element, identifying the City's historic resources, including Spanish Courts and the Florida Department of State's Archeological Site 8PB30.

Section 3. That the City Clerk is hereby directed to transmit three (3) copies of the amendments to the current Comprehensive Plan to the State Land Planning Agency, along with one (1) copy to the Department of Environmental Protection, the South Florida Water Management District, the Florida Department of Transportation, the Treasure Coast Regional Planning Council, the Florida Department of State, Bureau of Historic Preservation, and the Palm Beach County Growth Management Department, and to IPARC, and to any other unit of local government who has filed a written request for a copy, within (10) working days after adoption, in accordance with Section 163.3184 (7), Florida Statutes.

ORDINANCE NO. 2914
PAGE 4

Section 4. That all ordinances or part of ordinances in conflict are hereby repealed.

Section 5. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or work be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 6. That the effective date of this plan amendment shall be the date a final order of compliance is issued by the Florida Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with section 163.3184 (9), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependant on this amendment may be issued or commence before it has become effective.

PASSED AND APPROVED on First Reading this 20th day of March 2002.

PASSED AND ADOPTED on Second Reading this 03 day of April 2002.

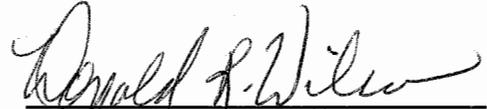
APPROVED:


MICHAEL D. BROWN, MAYOR


EDWARD RODGERS,
CHAIRPERSON

[MUNICIPAL SEAL]

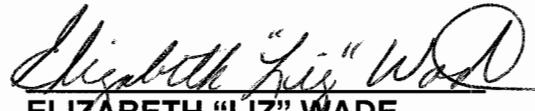

DAVID G. SCHNYER,
CHAIRPERSON PRO-TEM


DONALD R. WILSON

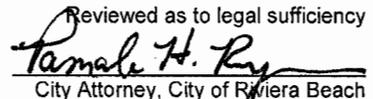
ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


SYLVIA LEE BLUE


ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

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

Reviewed as to legal sufficiency

City Attorney, City of Riviera Beach

ORDINANCE NO. 2914
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.

March 20, 2002
Date

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



LEGEND

- Public City Parks
- Major Private Facilities
- △ Public School Recreational Site
- Public County Parks
- Public Beach Access
- City Boundary
- Road

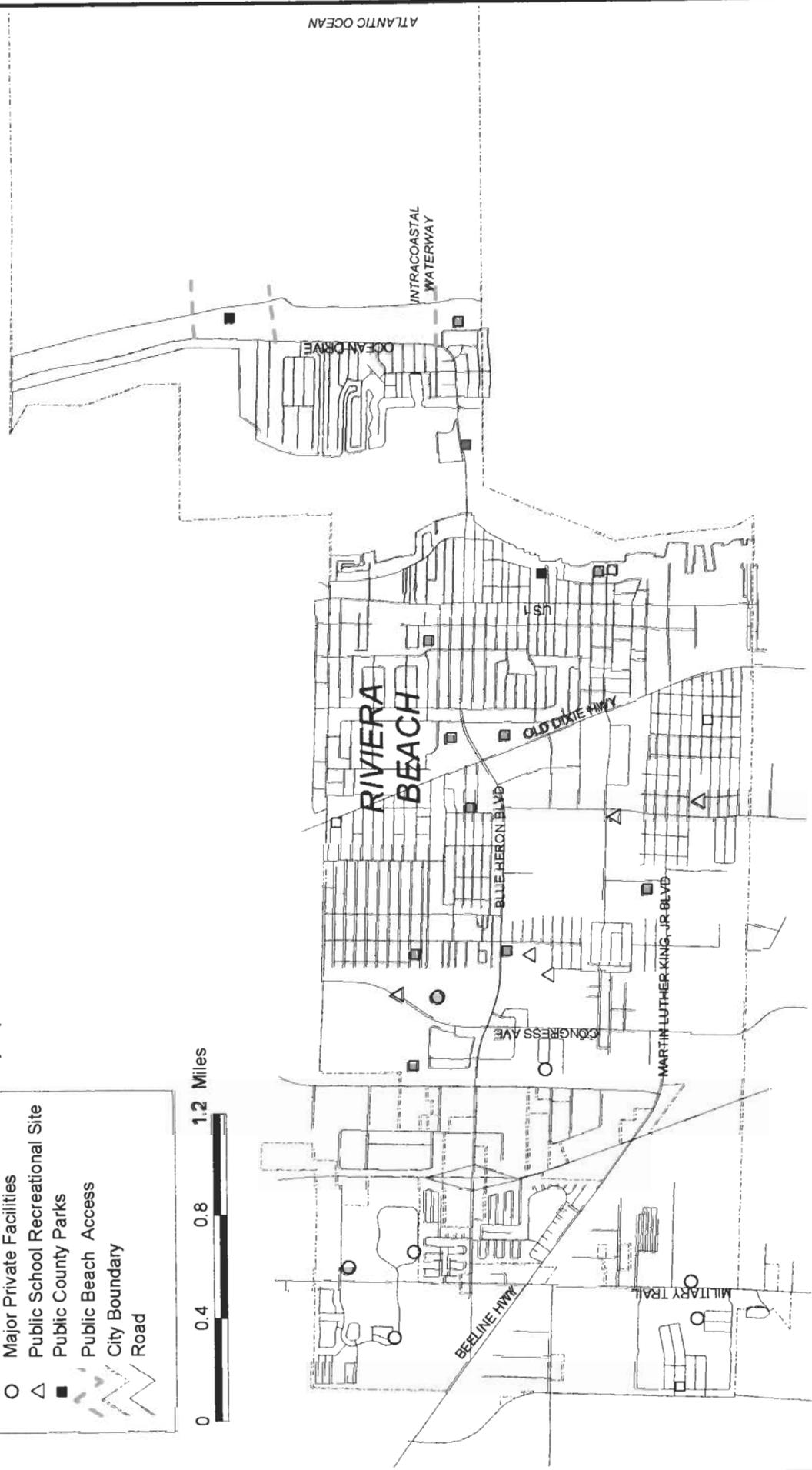


Figure R-1. Recreation sites.

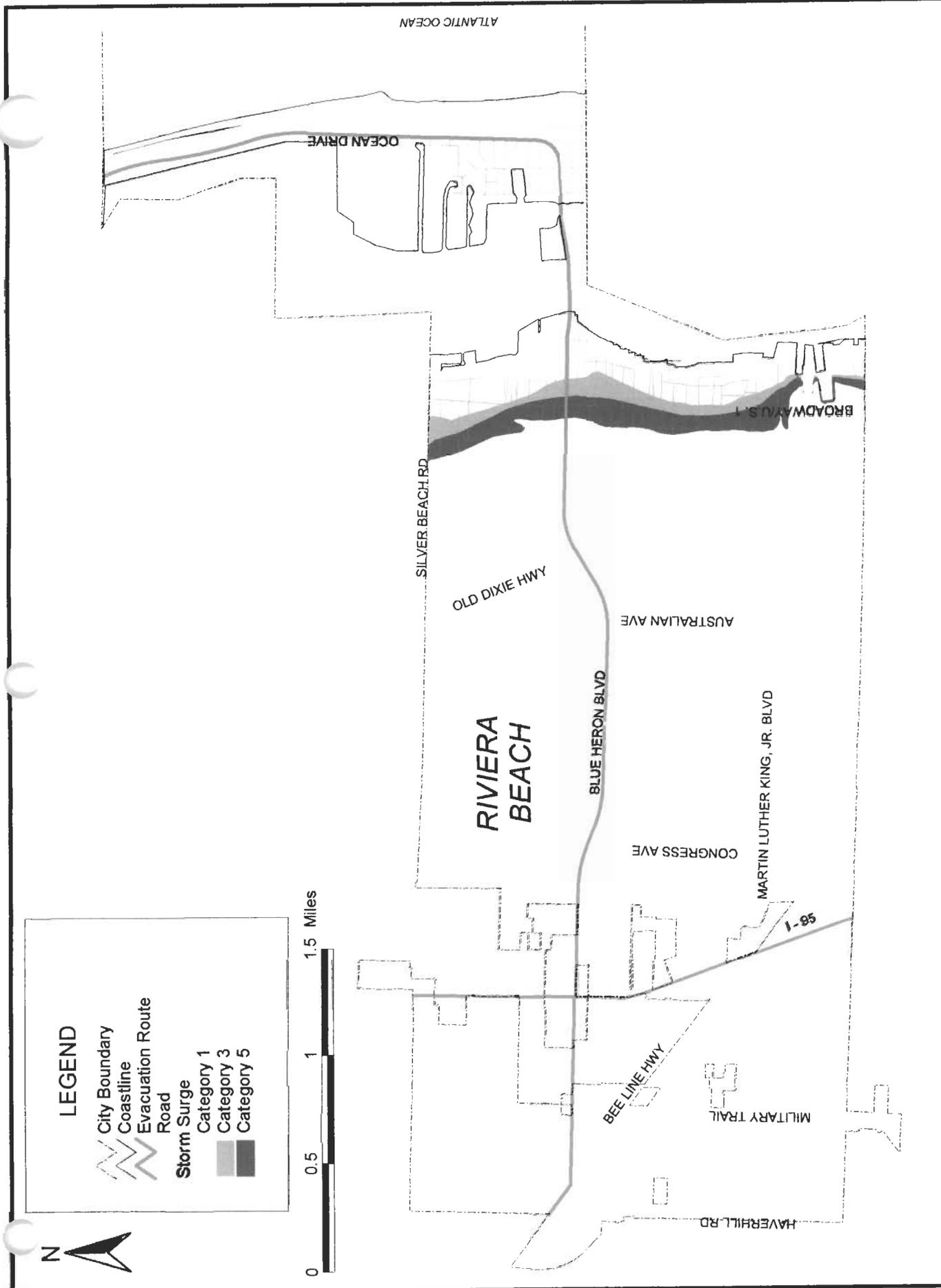


Figure FLU-2 Evacuation routes and storm surge for category 1, 3, and 5 hurricanes based on SLOSH modeling. Source: Florida Department of Community Affairs.

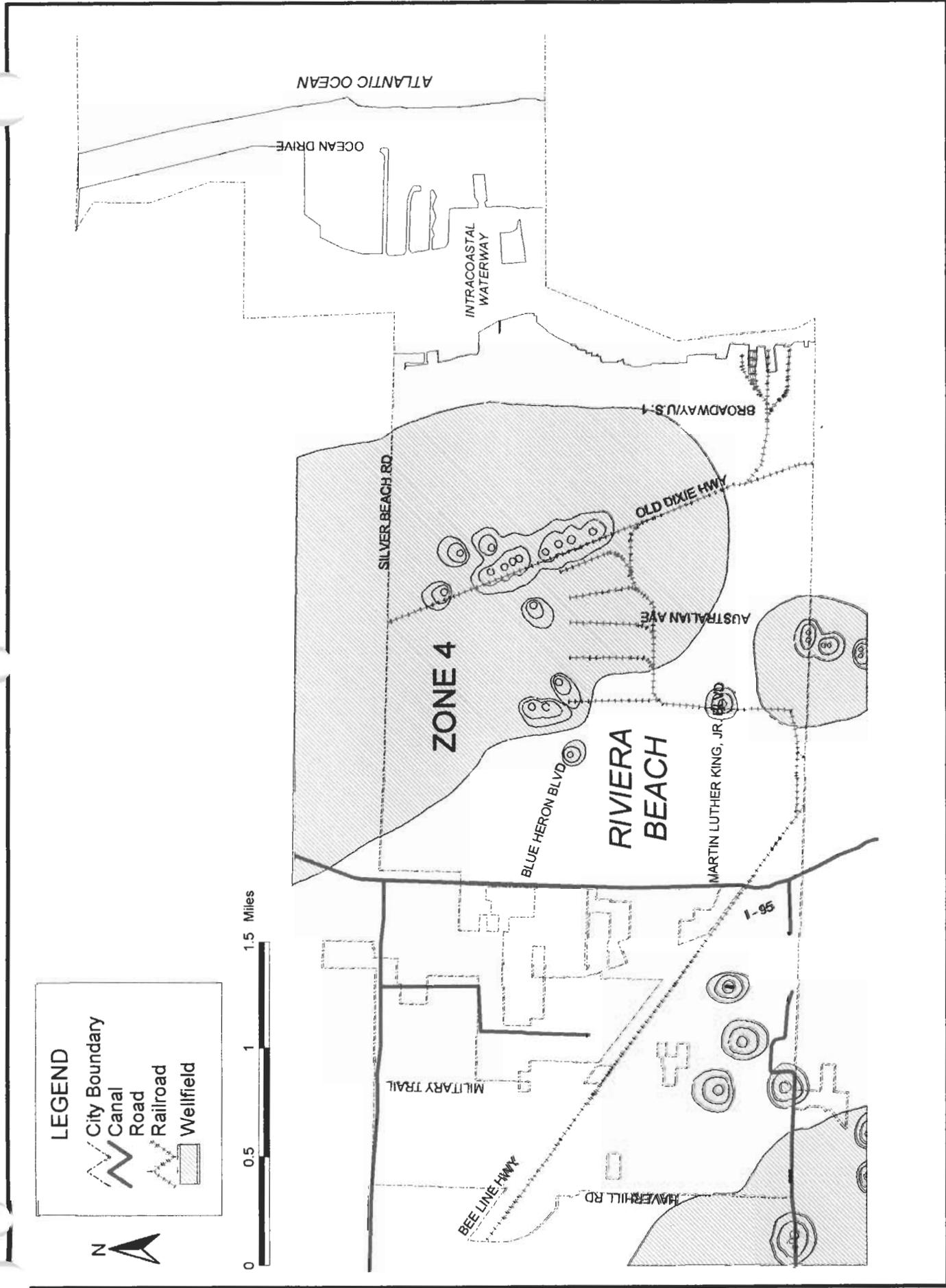


Figure I.1. Wellfield protection area zones (Palm Beach County Department of Environmental Resource Protection, 1997).

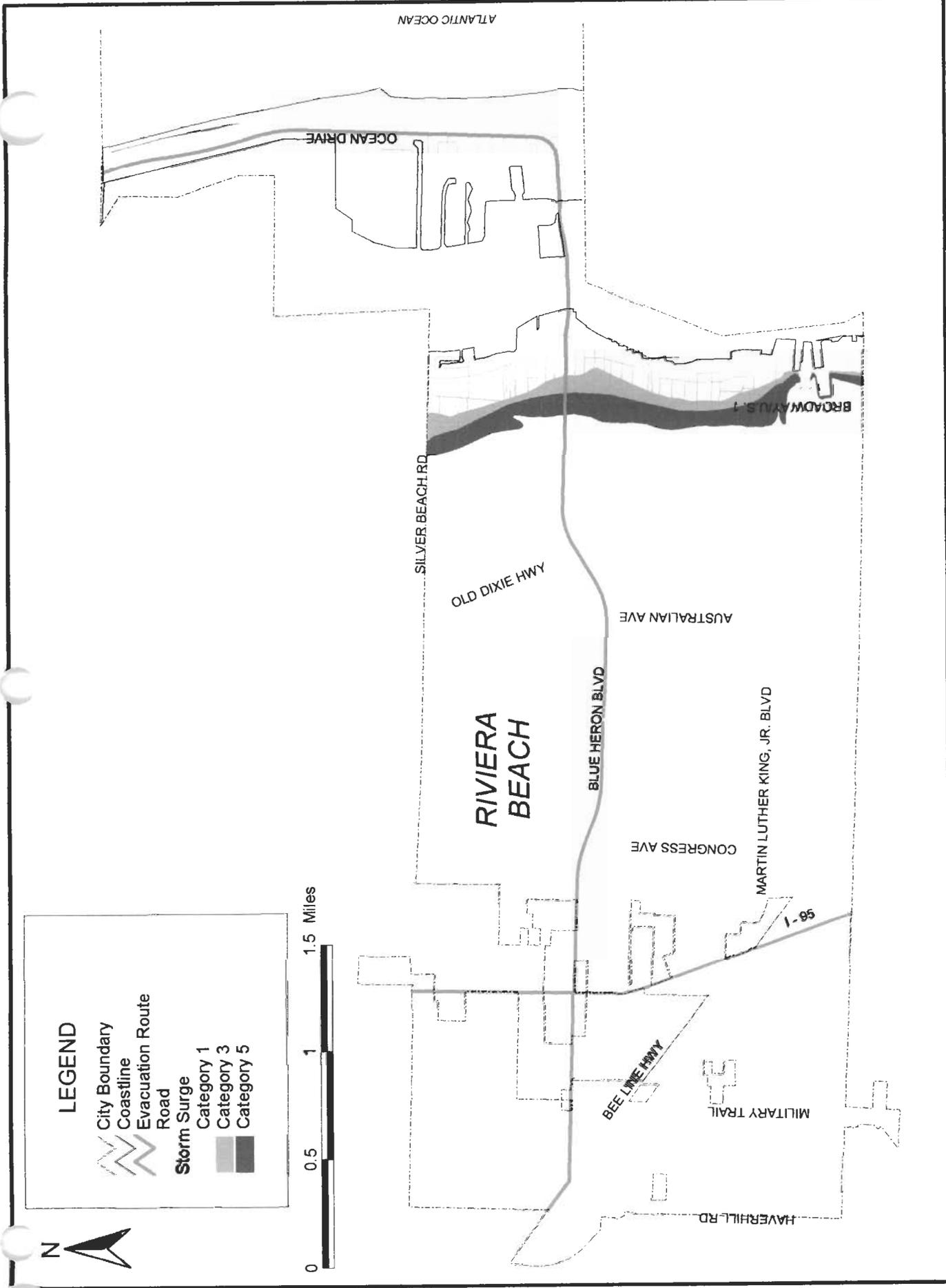


Figure T-7 Evacuation routes and storm surge for category 1, 3, and 5 hurricanes based on SLOSH modeling. Source: Florida Department of Community Affairs.

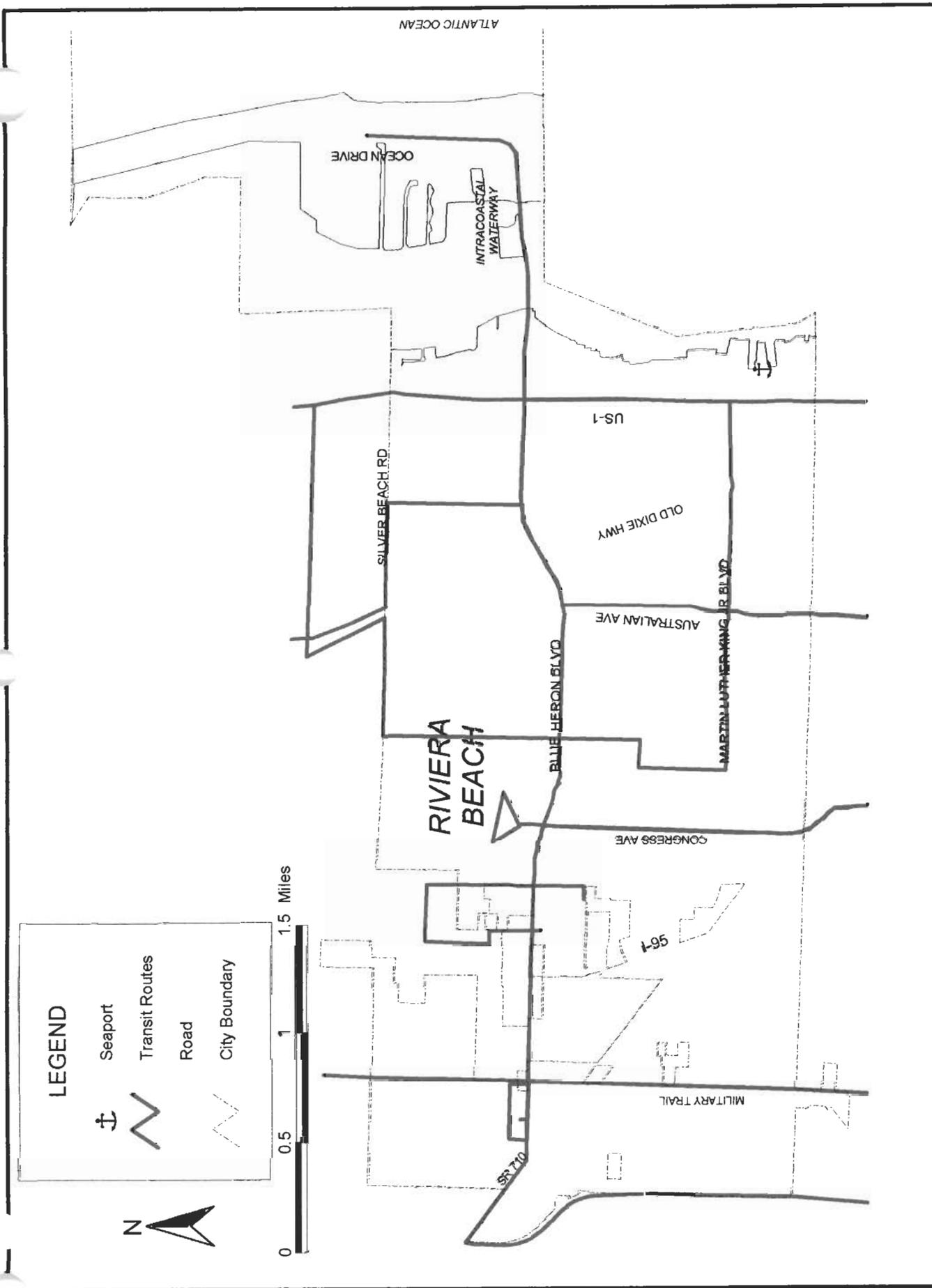


Figure T-4. Intermodal facilities. Source: Palm Beach County Metropolitan Planning Organization.

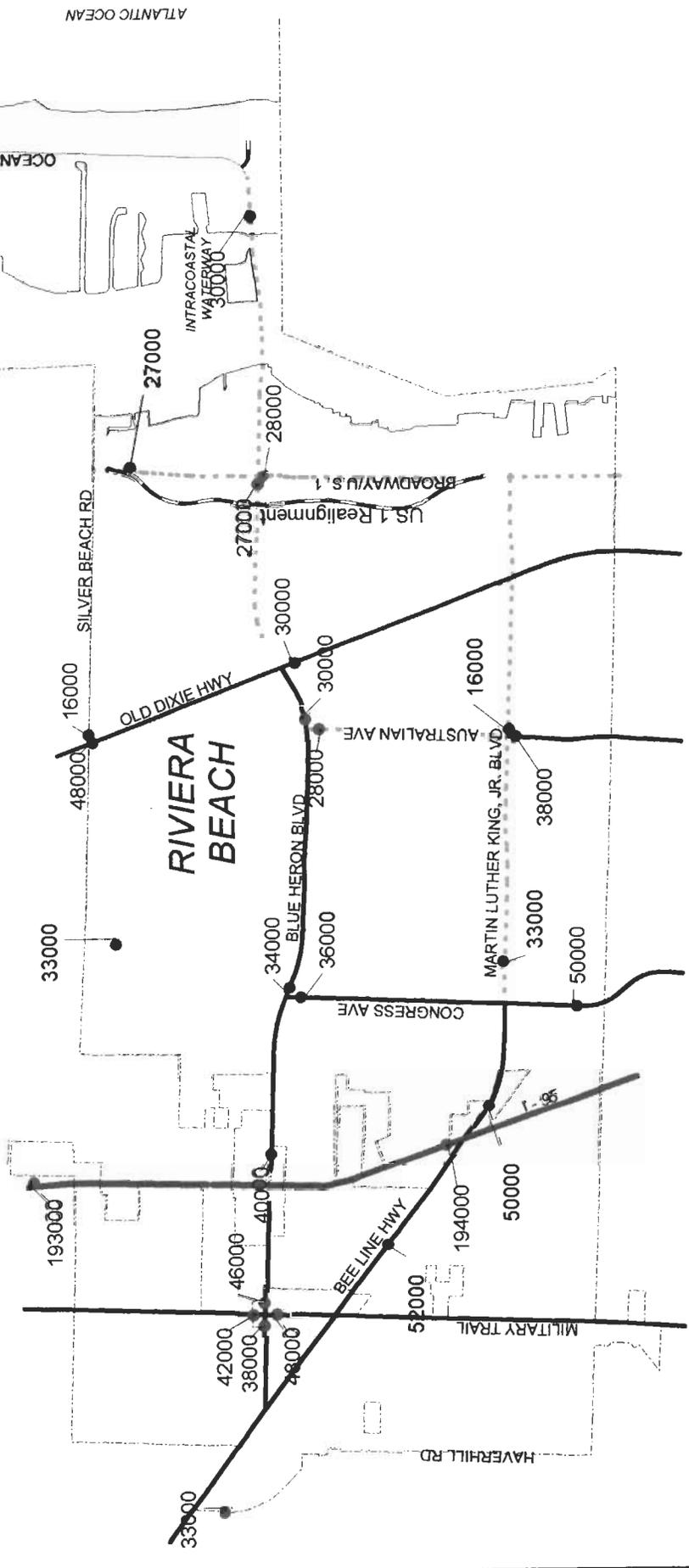
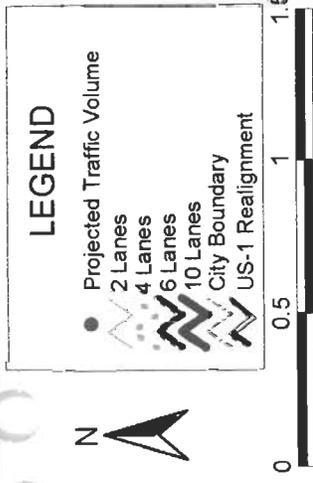
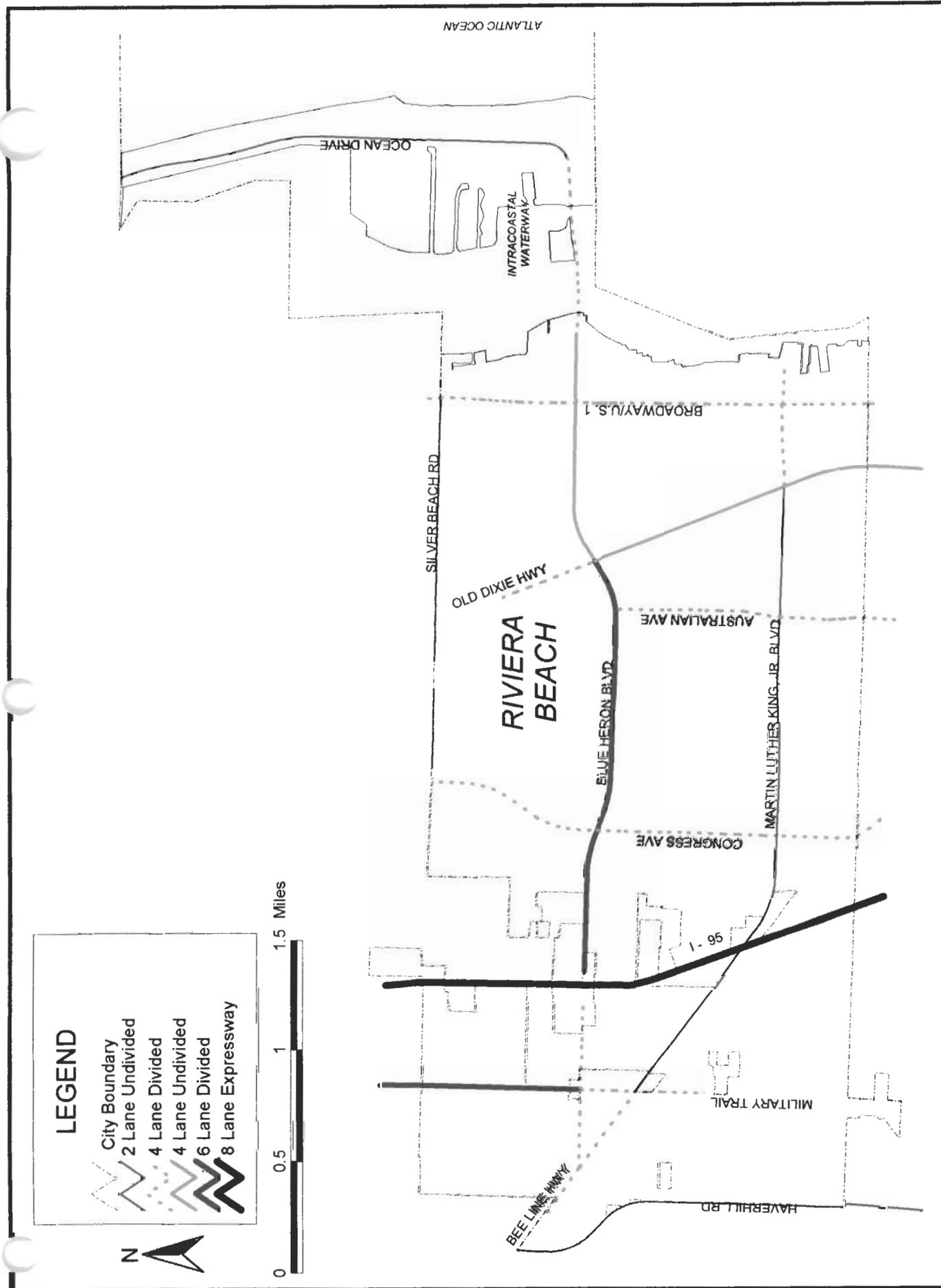


Figure T-3. 2020 future conditions. Source: Palm Beach County Metropolitan Planning Organization.
 Note: US-1 Realignment added by the City of Riviera Beach, FL to show future conditions.



LEGEND

- City Boundary
- 2 Lane Undivided
- 4 Lane Divided
- 4 Lane Undivided
- 6 Lane Divided
- 8 Lane Expressway



Figure T-2. Existing traffic circulation system.

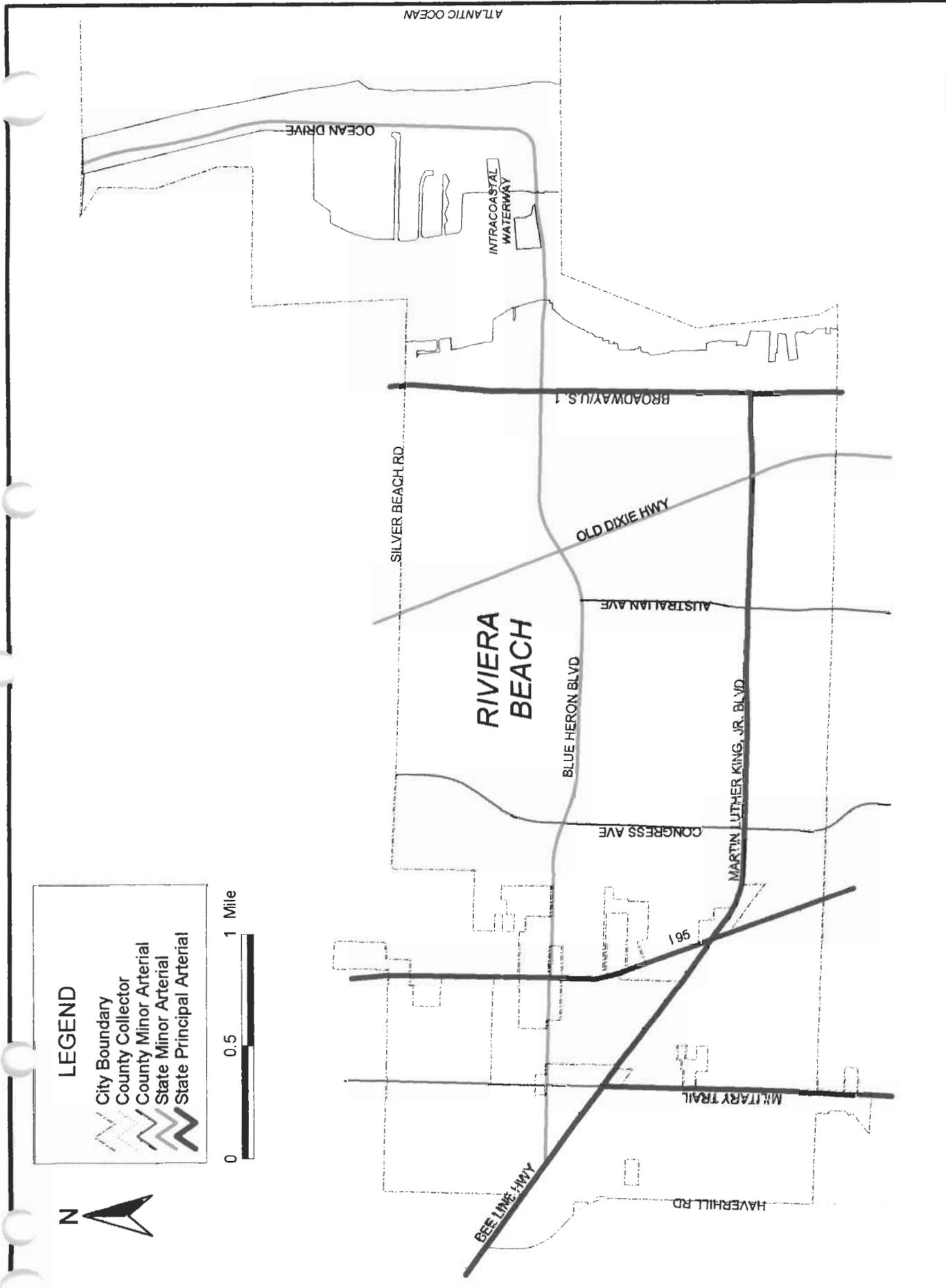


Figure T-1. Roadway functional classifications. Source: Florida Department of Transportation.

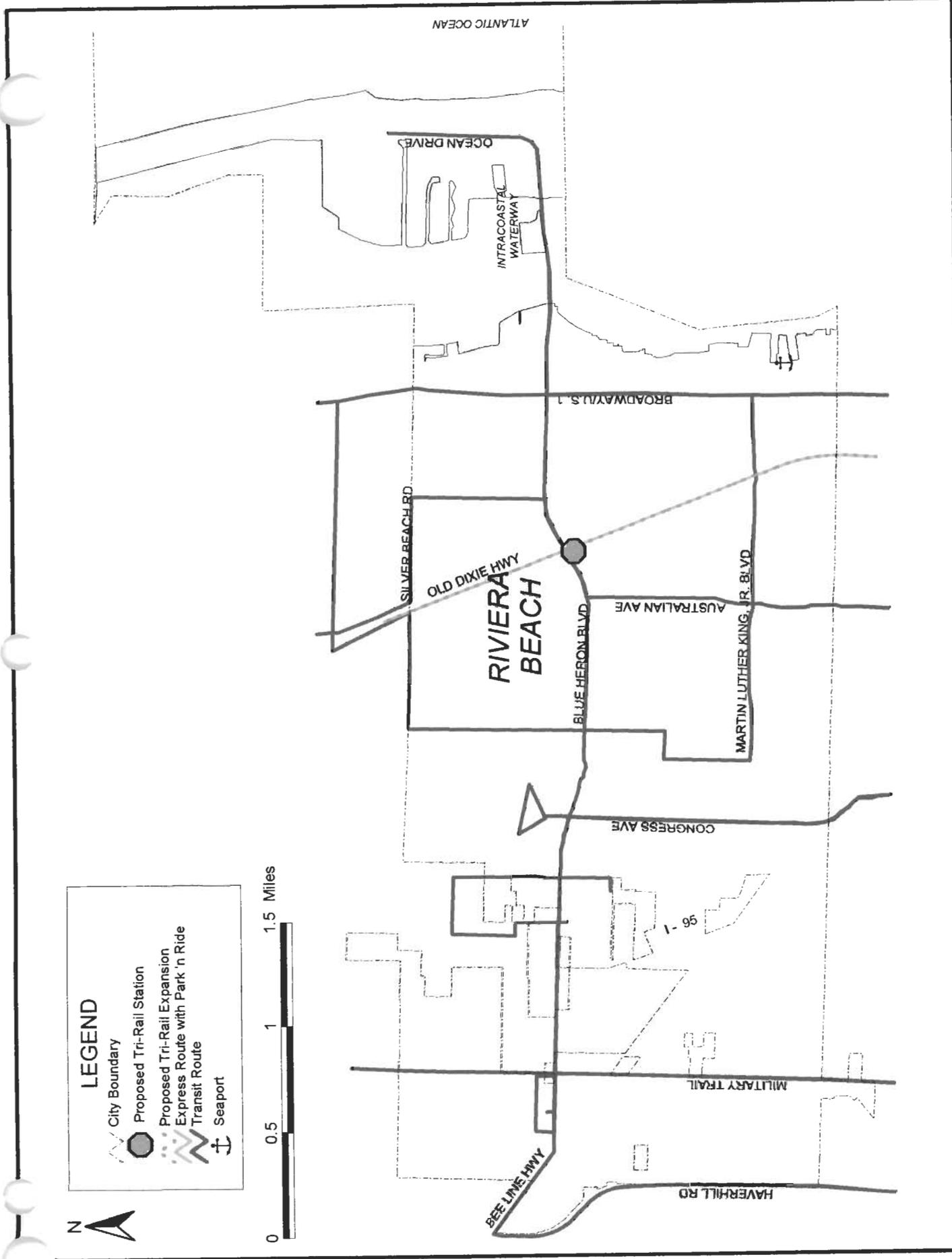


Figure T-6. 2020 cost feasible transit system. Source: WPBUSA Long Range Transportation Plan

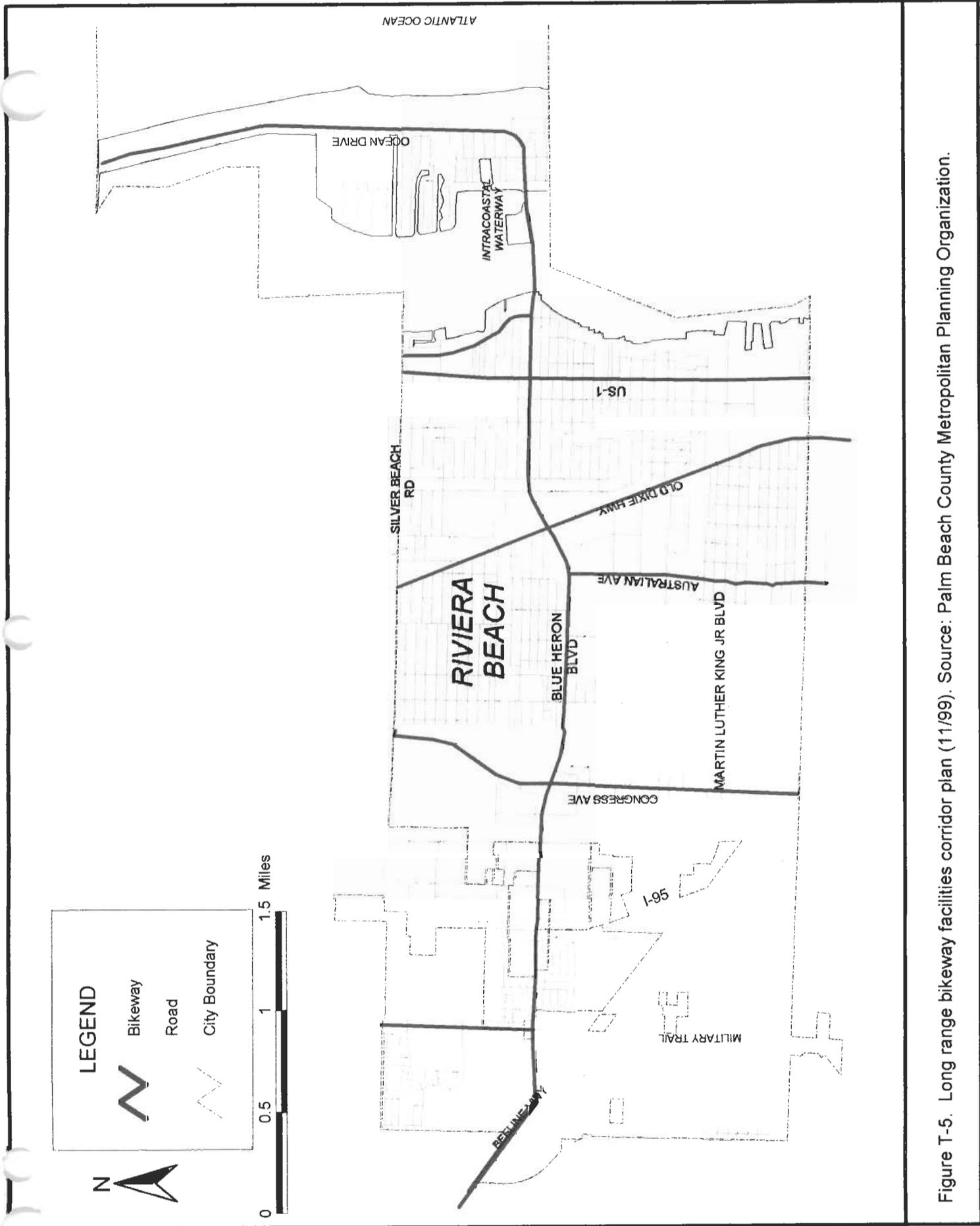


Figure T-5. Long range bikeway facilities corridor plan (11/99). Source: Palm Beach County Metropolitan Planning Organization.

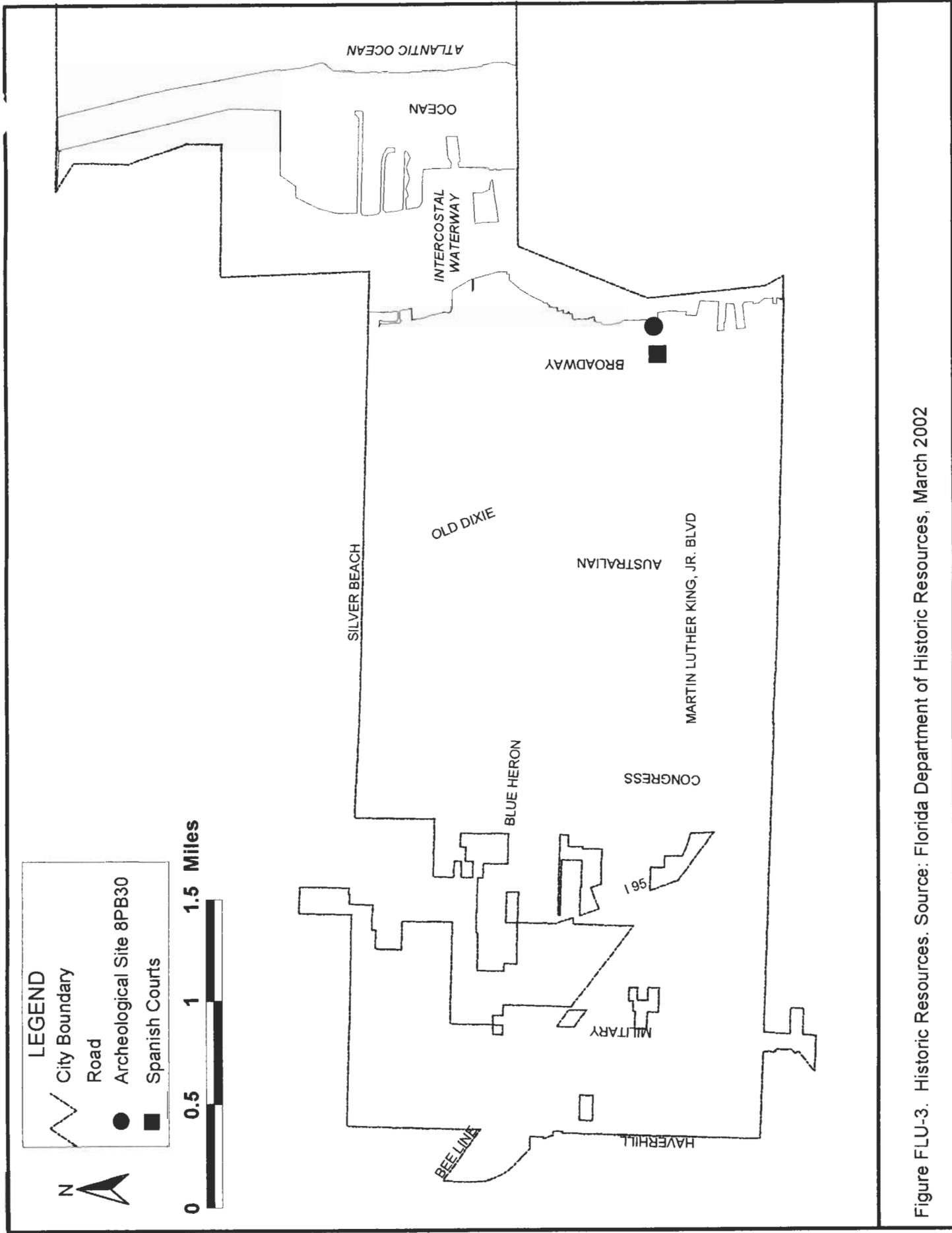


Figure FLU-3. Historic Resources. Source: Florida Department of Historic Resources, March 2002

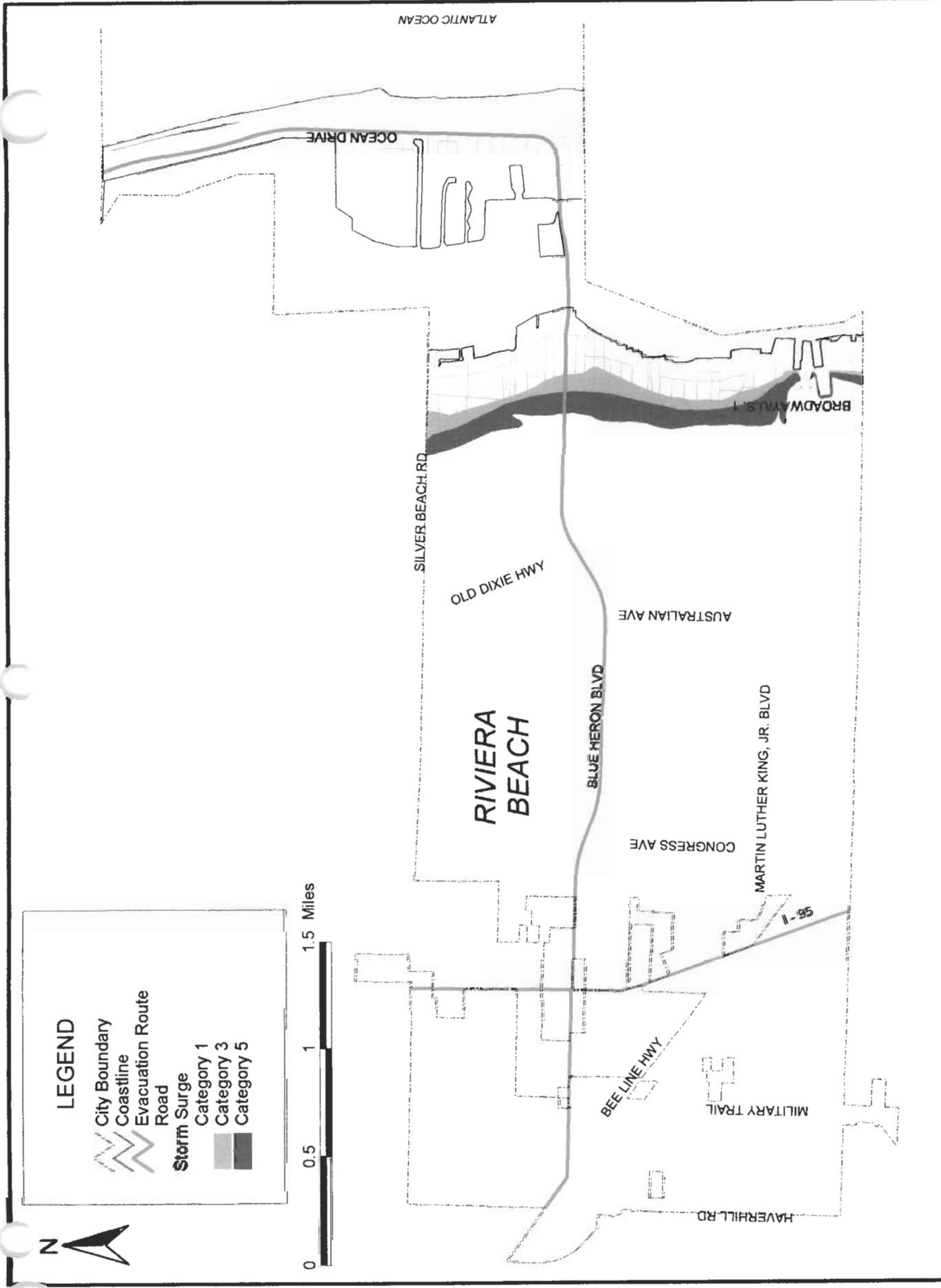


Figure CO-1 Evacuation routes and storm surge for category 1, 3, and 5 hurricanes based on SLOSH modeling. Source: Florida Department of Community Affairs.

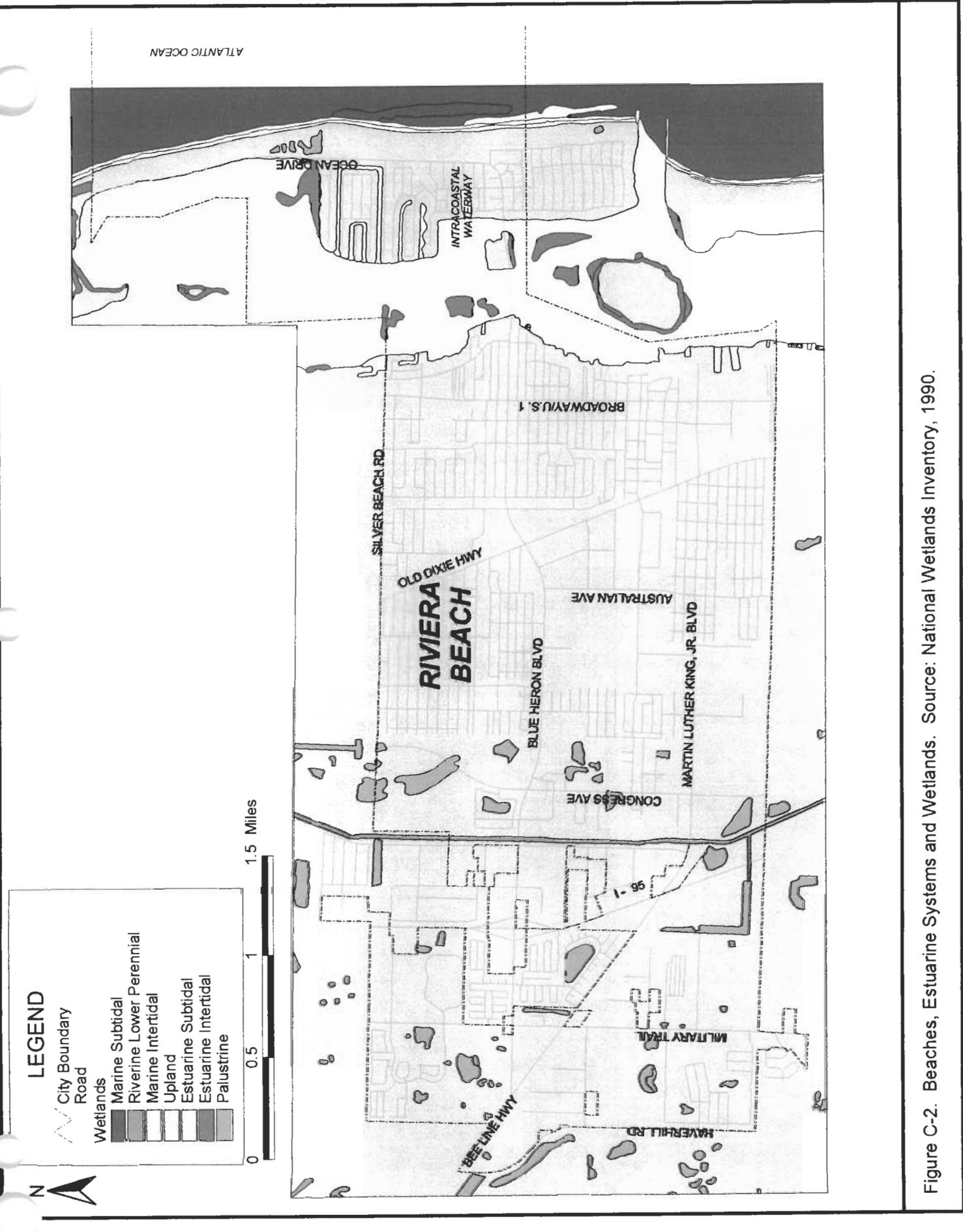


Figure C-2. Beaches, Estuarine Systems and Wetlands. Source: National Wetlands Inventory, 1990.

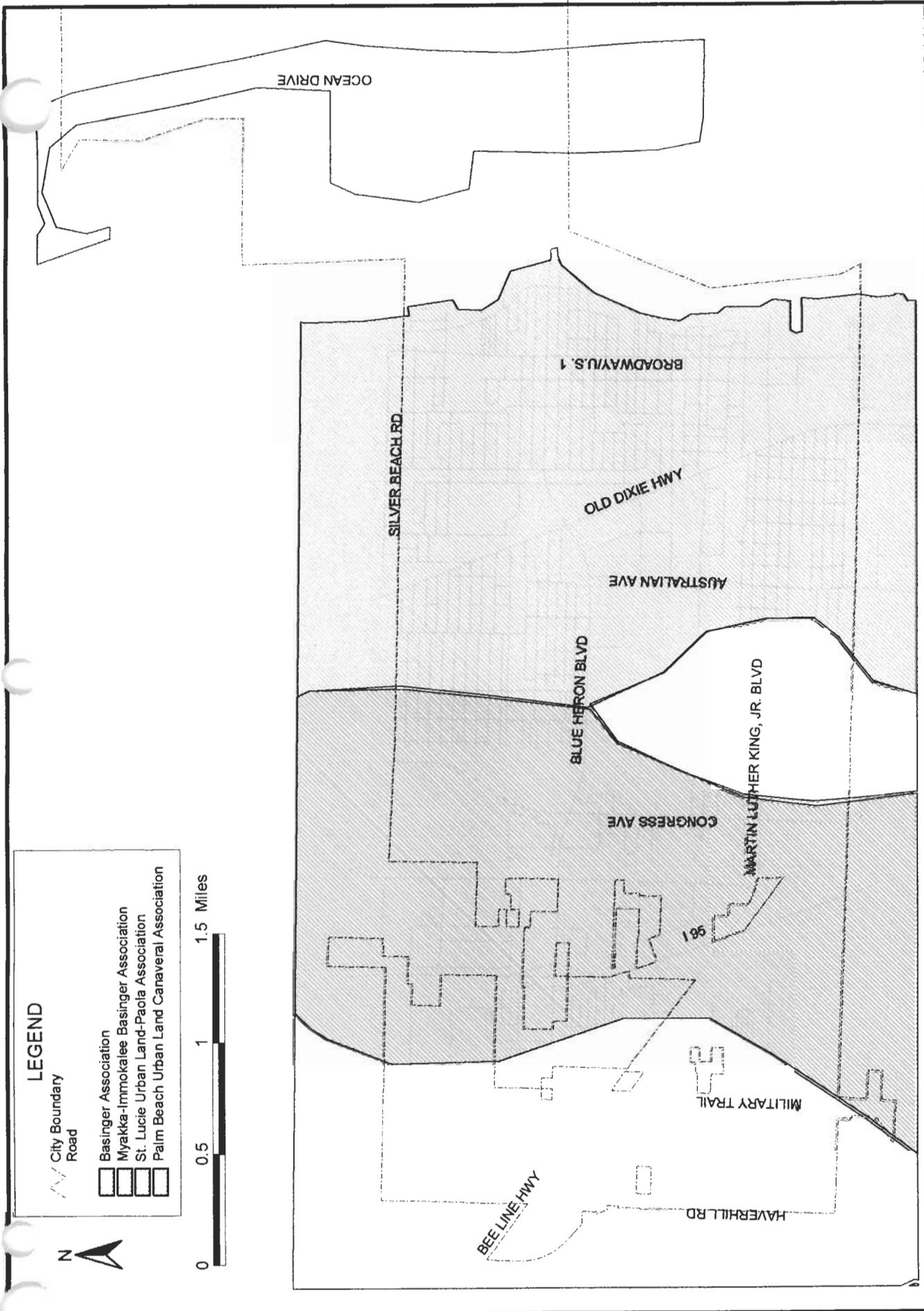


Figure C-1. Generalized area soils associations. Source: Palm Beach County Department of Environmental Resource Management.

FUTURE LAND USE MAP OF THE CITY OF RIVIERA BEACH, FLORIDA

Map created on November 7, 2001 by the City of Riviera Beach Community Development Department
 Adopted by City Council, Ordinance Number 2898
 Source of Land Use Districts, Annexation Area, and Railroads: City of Riviera Beach Community Development
 Source of Street and Parcel Centerlines: Palm Beach County Information Systems Services (The GIS Data used to create this map is property of Palm Beach County, Florida Copyright 2000. All rights reserved. Any use of Palm Beach County GIS Data is subject to a license agreement and the data and map disclaimer found on the bottom right hand corner of this map.)



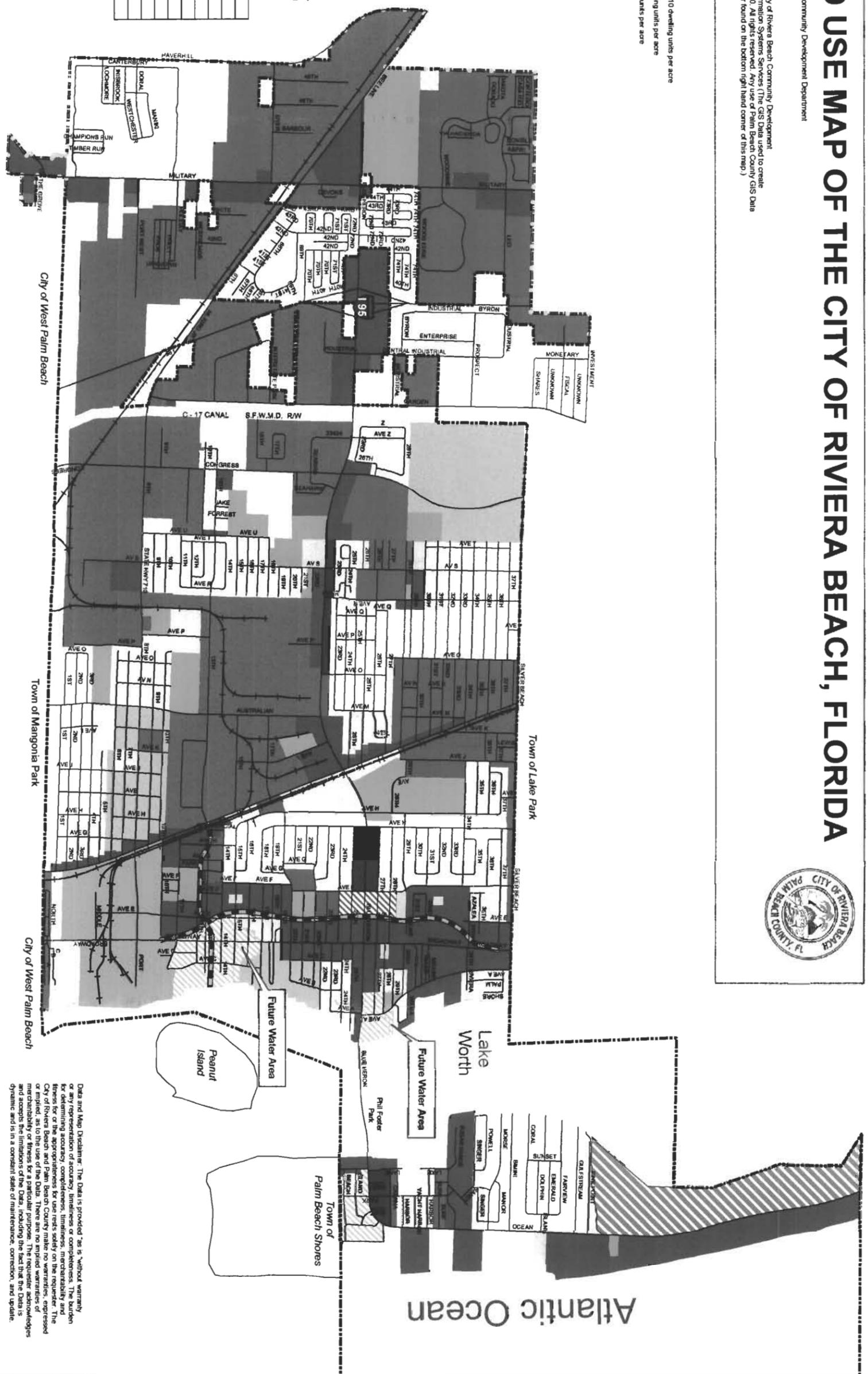
Future Land Use

- Single Family Residential: Up to 6 dwelling units per acre
- Low Density Mixed Type Multiple Family Residential: Up to 10 dwelling units per acre
- Medium Density Multiple Family Residential: Up to 15 dwelling units per acre
- High Density Multiple Family Residential: Up to 20 dwelling units per acre
- Resort, Hotel, and Timeshare up to 40 suites per acre
- Commercial
- Working Waterfront
- Downtown Mixed Use
- General Mixed Use
- Office
- Port
- Industrial
- Community Facilities
- Recreational
- Special Preservation
- Utilities

Basemap Features

- Municipal Boundary
- Street Centerlines
- Annexation Reserve Boundary
- Railroad Centerline
- 13TH ST Realignment
- US 1 Realignment
- Proposed Water Area

REVISIONS	Date	Description	Ordinance
	3/20/2002	Stipulated Agreement TBA	



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ORDINANCE NO. 2915

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE PAY AND CLASSIFICATION SCHEDULES BY INCREASING THE SALARY OF SWORN POLICE OFFICERS AND SERGEANTS REPRESENTED BY THE INTERNATIONAL UNION OF POLICE ASSOCIATION BARGAINING AGREEMENT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, labor negotiations between the International Union of Police Association and the City have concluded; and

WHEREAS, both parties have reached a tentative agreement; and

WHEREAS, the salary of sworn Police Officers and Sergeants of Police represented by the International Union of Police Association shall be increased October 1, 2001 and retroactive to October 1, 1999 and October 1, 2000.

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 Classification Schedule shall be amended as reflected in Article 34 of the Union Contract as follows:

That the pay grades for Police Officers and Sergeants of Police covered under International Union of Police Association Bargaining Unit be increased as follows:

Effective October 1, 1999, the Employer will retroactively adjust the individual employee's Fiscal Year 1999/2000 wages by two percent (2%). An employee hired subsequent to October 1, 1999, will only receive retroactive pay to the initial date of employment. Employees who are at the maximum when the two percent (2%) is applied will receive a lump sum.

ORDINANCE NO. 2915
PAGE 2.

Effective October 1, 2000, the Employer will retroactively adjust the individual employee's Fiscal Year 2000/2001 wages by three percent (3%). An employee hired subsequent to October 1, 2000, will only receive retroactive pay to the initial date of employment. Employees who are at the maximum when the three percent (3%) is applied will receive a lump sum.

Effective October 1, 2001, the Employer will retroactively adjust the individual employee's Fiscal Year 2001/2002 wages by three percent (3%). During the Fiscal Year 2001/2002, effective on the anniversary date of each individual employee, the employer will pay merit increases as follows:

Outstanding	2.0%
Excellent	1.5%
Satisfactory	1.0%

An employee hired subsequent to October 1, 2001, will only receive retroactive pay to the initial date of employment. Employees who are at the maximum when the three percent (3%) is applied will receive a lump sum. Also employees who will exceed the maximum when the two percent (2%) merit is applied, will receive a lump sum on their anniversary date.

Additionally, the City will adopt the pay grade and the minimum and maximum salaries as recommended by the DMG Study.

SECTION 2. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

SECTION 3. That this ordinance shall not be codified.

PASSED and APPROVED on first reading this 3rd day of April, 2002.

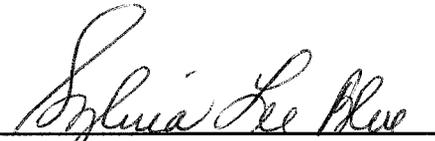
PASSED and ADOPTED on second and final reading this 17th day of April, 2002.

APPROVED:



MICHAEL D. BROWN
MAYOR

DAVID G. SCHNYER
CHAIRPERSON



SYLVIA L. BLUE
CHAIRPERSON PRO TEM



DONALD R. WILSON
COUNCIL MEMBER

(MUNICIPAL SEAL)

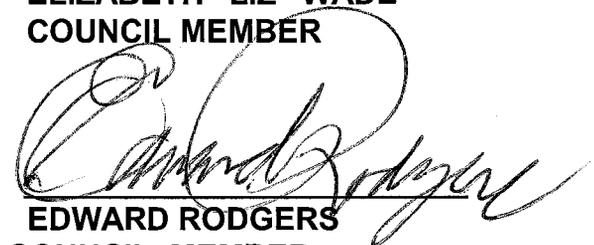
ATTEST:



ELIZABETH "LIZ" WADE
COUNCIL MEMBER



CARRIE E. WARD, CMC/AE
CITY CLERK



EDWARD RODGERS
COUNCIL MEMBER

ORDINANCE NO. 2915
PAGE -4-

Motioned by: E. Wade

Motioned by: E. Wade

Seconded by: D. Wilson

Seconded by: D. Wilson

1st READING

2ND READING

D. SCHYNER aye

aye

S. BLUE aye

aye

D. WILSON aye

aye

E. WADE aye

aye

E. RODGERS aye

aye

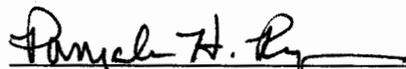
CERTIFICATION OF PUBLICATION:

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.

4/03/02
DATE


Carrie E. Ward, CMC/AEE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY


Pamala H. Ryan, City Attorney
City of Riviera Beach

Date 4/2/02

ORDINANCE NO. 2916

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE 11 ENTITLED SELECTION PROCESS BY CLARIFYING LOCAL PREFERENCE; CREATING SECTION 11-105 ENTITLED EXEMPTIONS BY EXCLUDING THE 10% LOCAL PREFERENCE ON CONSTRUCTION CONTRACTS FROM THE APPLICATION OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the current language in the Procurement Ordinance was adopted to benefit the local businesses in the City; and

Whereas, the 10% preference frustrates competition in the City's construction bid process; and

Whereas, the City is paying higher cost for construction services due to lack of non local competition; and

Whereas, the City desires to receive fair competition on all procurement contracts.

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

Section 1. Article 11, entitled "Selection Process" of the City of Riviera Beach Procurement Ordinance 2412/2570 is hereby amended as follows to eliminate the 10% Local Preference by excluding construction contracts from the application of the Ordinance.

ARTICLE 11 – SELECTION PREFERENCE PROCESS

~~Notwithstanding any other provisions~~ Unless otherwise specified, preference shall be given in the selection process as follows:

Sec. 11-101 ~~Lowest Responsible Bidder~~ Local Preference.

~~Lowest responsible bidder (based on the conditions below)~~ If the lowest Responsible Bidder is not a Riviera Beach company and if a Riviera Beach company's submit a bid which is not greater than ten percent (10%) more than the lowest bidder; and the lowest bidder is not a Riviera Beach

Company, then the Riviera Beach company will shall be awarded the bid, provided such Riviera Beach company meets all other qualifications herein and is otherwise a Responsible Bidder.

Sec. 11-105 Exemptions

This Article shall not apply to Construction Contracts.

Section 2. This ordinance shall not be codified.

Section 3. This ordinance shall be in full force and effect immediately upon its final passage and adoption.

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PASSED AND APPROVED on First Reading this 17th day of April 2002.

PASSED AND ADOPTED on Second Reading this 1st day of May 2002.

APPROVED:


MICHAEL D. BROWN, MAYOR

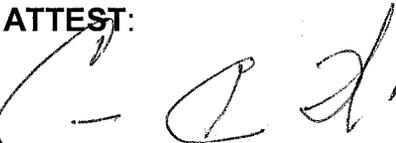

DAVID G. SCHNYER,
CHAIRPERSON

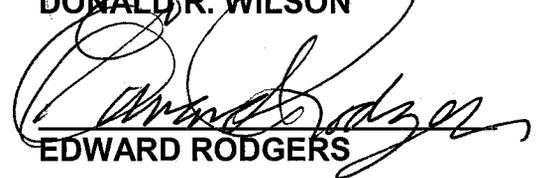
[MUNICIPAL SEAL]

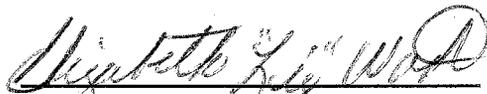

SYLVIA LEE BLUE,
CHAIRPERSON PRO-TEM


DONALD R. WILSON

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


EDWARD RODGERS


ELIZABETH "LIZ" WADE
COUNCIL MEMBERS

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

Reviewed as to legal sufficiency

City Attorney, City of Riviera Beach

Date: _____

ORDINANCE NO. 2916
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 NO. 2917

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE PAY AND CLASSIFICATION SCHEDULES BY INCREASING THE SALARY OF UNIFORM FIRE PERSONNEL REPRESENTED BY THE RIVIERA BEACH ASSOCIATION OF FIREFIGHTERS BARGAINING AGREEMENT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, labor negotiations between the Riviera Beach Association of Firefighters and City staff have concluded; and

WHEREAS, both parties have reached a tentative agreement which must be approved by City Council; and

WHEREAS, the salary of uniform Fire Personnel represented by the Riviera Beach Association of Firefighters shall be increased effective October 1, 2001.

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 Classification Schedule shall be amended as reflected in Article 10 of the Union Contract as follows:

That the pay grades for uniform fire personnel covered under Riviera Beach Association of Firefighters Bargaining Unit be increased as follows:

FROM

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

TO

Grade	Position	Minimum	Maximum
F29	Fire Fighter	\$29,969.00	\$46,690.00
F31	Driver Engineer	\$33,383.82	\$50,496.00
F33	Captain	\$40,636.04	\$59,675.40
F36	Division Chief	\$46,624.30	\$68,469.36

ORDINANCE NO. 2917
PAGE -3-

Motioned by: E. Wade

Motioned by: E. Wade

Seconded by: S. Blue

Seconded by: S. Blue

1st READING

2ND READING

D. SCHYNER Aye

Aye

S. BLUE Aye

Aye

D. WILSON Aye

Aye

E. WADE Aye

Aye

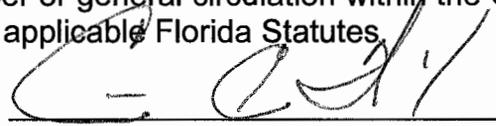
E. RODGERS Aye

Aye

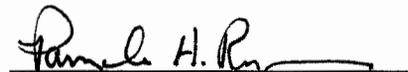
CERTIFICATION OF PUBLICATION:

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.

5/15/02
DATE


Carrie E. Ward, CMC/AEE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY


Pamala H. Ryan, City Attorney
City of Riviera Beach

Date 4/30/02

ORDINANCE NO. 2917
PAGE 2.

SECTION 2. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

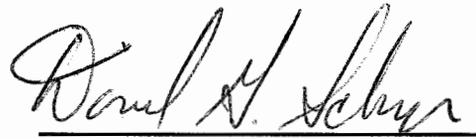
SECTION 3. That this ordinance shall not be codified.

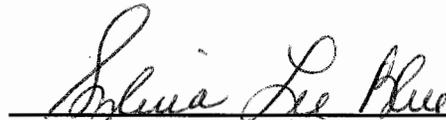
PASSED and APPROVED on first reading this 1st day of May, 2002.

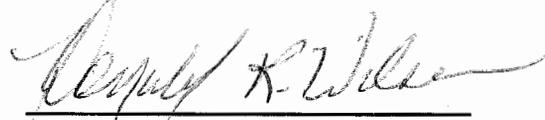
PASSED and ADOPTED on second and final reading this 15th day of Mat, 2002.

APPROVED:


MICHAEL D. BROWN
MAYOR

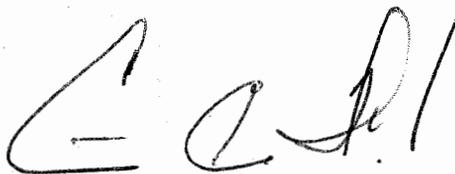

DAVID G. SCHNYER
CHAIRPERSON


SYLVIA L. BLUE
CHAIRPERSON PRO TEM


DONALD R. WILSON
COUNCIL MEMBER

(MUNICIPAL SEAL)

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


ELIZABETH "LIZ" WADE
COUNCIL MEMBER


EDWARD RODGERS
COUNCIL MEMBER

ORDINANCE NO. 2918

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 12, SECTION 12-8 ENTITLED "SALE OF FIREWORKS AND EXPLOSIVES", AND ADDING SECTION 31-553 ENTITLED "FIREWORKS AND SPARKLERS", TO THE CITY OF RIVIERA BEACH CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach Code of Ordinances is being amended to provide regulation for the sale of Fireworks and Sparklers within City; and

WHEREAS, the creation of Fireworks and Sparkler regulations will allow the City to effectively control and regulate the limited sale of fireworks and sparklers within the City Limits.

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

Section 1. Section 12-8 of the City of Riviera Beach Code of Ordinances is hereby amended as follows.

Sec. 12-8. Sale of Fireworks and explosives.

It shall be unlawful for any person to sell or explode fireworks, ~~Roman candles, skyrockets, or any other explosive of any nature whatsoever~~ (usually known as fireworks) ~~within the city.~~ as defined by F.S. 791.01, within the city, except as permitted by F.S. 791.02, F.S. 791.04, and F.S. 791.07. The sale of fireworks will be permitted under the Supplemental Regulations, Section 31-566, Riviera Beach Code of Ordinances.

Section 2. Article VI, entitled "Supplemental Regulations" is hereby amended to include a new section 31-553 entitled "Fireworks and Sparklers"

Sec. 31-553. Fireworks and Sparklers.

(a) Definitions:

- (1) "Fireworks" means and includes any combustible or explosive composition or substance or combination of substances or, except as hereinafter provided, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes, but is not limited to blank cartridges and toy cannons in

which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance.

- (2) “Fireworks” does not include sparklers approved by the Division of the State Fire Marshal of the Department of Insurance; toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.
- (3) “Fireworks” also does not include the following novelties and trick noisemakers, the sale and use of which shall be permitted at all times:
- (A) A snake or glow worm, which is a pressed pellet of not more than 10 grams of pyrotechnic composition that produces a large, snakelike ash which expands in length as the pellet burns and that does not contain mercuric thiocyanate.
- (B) A smoke device, which is a tube or sphere containing not more than 10 grams of pyrotechnic composition that, upon burning, produces white or colored smoke as the primary effect.
- (C) A trick noisemaker, which is a device that produces a small report intended to surprise the user and which includes:
- (i) A party popper, which is a small plastic or paper device containing not more than 16 milligrams of explosive composition that is friction sensitive, which is ignited by pulling a string protruding from the device, and which expels a paper streamer and produces a small report.
- (ii) A booby trap, which is a small tube with a string protruding from both ends containing not more than 16 milligrams of explosive compound, which is ignited by pulling the ends of the string, and which produces a small report.
- (iii) A snapper, which is a small, paper-wrapped device containing not more than four milligrams of explosive composition coated on small bits of sand, and which, when

dropped, explodes, producing a small report. A snapper may not contain more than 250 milligrams of total sand and explosive composition.

- (iv) A trick match, which is a kitchen or book match which is coated with not more than 16 milligrams of explosive or pyrotechnic composition and which, upon ignition, produces a small report or shower of sparks.
 - (v) A cigarette load, which is a small wooden peg that has been coated with not more than 16 milligrams of explosive composition and which produces, upon ignition of a cigarette containing one of the pegs, a small report.
 - (vi) An auto burglar alarm, which is a tube which contains not more than 10 grams of pyrotechnic composition that produces a loud whistle or smoke when ignited and which is ignited by use of a squib. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report.
- (4) "Retailer" means any person who, at a fixed place of business, is engaged in selling fireworks or sparklers to consumers at retail.
 - (5) "Manufacturer" means any person engaged in the manufacture or construction of fireworks or sparklers.
 - (6) "Distributor" means any person engaged in the business of selling fireworks or sparklers to a wholesaler.
 - (7) "Seasonal Retailer" means any person engaged in the business of selling fireworks or sparklers at retail in this state from June 20 through July 5 and from December 10 through January 2 of each year.
 - (8) "Seller" means any person, corporation, firm, or co-partnership engaged in the business of selling fireworks, including "manufacturer," "retailer," "seasonal retailer," "wholesaler," and "distributor."
 - (9) "Sparkler" means a device which emits showers of sparks upon burning, does not contain any explosive compounds, does not detonate or explode, is hand held or ground based, cannot propel itself through the air, and contains not more than 100 grams of the chemical compound which produces sparks upon burning. Any sparkler that is not approved

by the Division of the State Fire Marshal of the Department of Insurance is classified as fireworks.

- (10) "Wholesaler" means any person engaged in the business of selling fireworks or sparklers to a retailer.
- (11) "Building" means a permanent structure containing no fewer than four (4) outer walls and a roof enclosing said walls, constructed in accordance with the local building code and a duly issued building permit, and for which occupancy is authorized by a duly issued certificate of occupancy. For purposes of this section, the term building shall also include a part of the structure, such as a unit or space within a shopping center.
- (12) "Commercial Structure or Building" means a building constructed and used for the purpose of producing income. For purposes of this section, the term commercial building shall not include a building designed, constructed and used in accordance with the laws for residential occupancy.
- (13) "NFPA" means National Fire Protection Association.
- (14) "Occupancy" means the purpose for which a building or portion thereof is used or intended to be used.

(b) The sale of fireworks shall only be permitted pursuant to an exception or exemption set forth in Florida Statutes, Section 791.02, 791.04 or 791.07 and any such sale shall only be located in an IL or IG zoning district. The sale of Fireworks shall only be permitted in a permanent commercial structure or building and any such sale will be prohibited in any Temporary Structure including but not limited to, a tent, canopy, trailer, open air stand, vehicle or any other structure not permanently located on the property at which the sale of Fireworks is to take place. The sale and storage of fireworks shall be protected by an approved automatic sprinkler system that complies with minimum Extra Hazard Group-2 design criteria, in accordance with NFPA standards for such occupancy hazard. Additionally, pursuant to Palm Beach County Code 31-9.3, said structure shall be of non-combustible construction and shall be free standing with a minimum of ten (10) feet from any contiguous building line.

(c) When selling fireworks pursuant to an exception or exemption set forth in Florida Statutes, Sections 791.02, 791.04, or 791.07, the seller of fireworks shall require the purchaser to produce a photo identification or other such documents as are needed to establish the identity of the purchaser. Additionally, the seller shall document and retain for each sale:

- (1) the name, telephone number and home address of the purchaser;

- (2) a detailed description of the documents reviewed to establish the identification of the purchaser;
- (3) the date of the purchase or sale;
- (4) the name, telephone number and home address of the salesperson making the sale;
- (5) the specific nature of the use which qualified for the exception or exemption relied upon (i.e. "a sale at wholesale," "a sale to be shipped directly out-of-state," etc.)
- (6) the manufacturer's label name and the quantity for each firework sold; and
- (7) the proof reviewed by the seller to establish the exception or exemption applied to that sale, which shall at a minimum contain the following information:
 - A. if the sale is at wholesale between manufacturers, distributors, and wholesalers who have registered with the Division of State Fire Marshal of the Department of Insurance, the seller shall record the registration number of the purchaser;
 - B. if the sale is for fireworks that are to be shipped directly out-of-state, the seller shall record the name, address, and telephone number of the common carrier who will make the delivery and the date said fireworks were delivered to that common carrier;
 - C. if the sale of fireworks is to a person holding a permit from any board of county commissioners or the governing body of a municipality, the seller shall review the permit and record the date, permit number, expiration date, and identity of the governing body issuing the permit;
 - D. if the sale is for the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or for use in quarrying or blasting or other industrial use, the seller shall record the name, address and telephone number of the railroad, transportation agency, or other entity which will use the fireworks;
 - E. if the sale is for blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, the seller shall record the name, address, and telephone number of the organization sponsoring or producing the event or show;

- F. if the sale is for use by military organizations or organizations comprised of the armed forces of the United States, the seller shall record the name, address, and telephone number of the organization which will use the fireworks;
- G. if the sale is for the use solely and exclusively in frightening birds from agricultural works or fish hatcheries, the seller shall retain a copy of the statement that has been filed with the sheriff's office pursuant to the rules prescribed by the State of Florida Department of Agriculture and Consumer Services which must be provided by the purchaser prior to the sale of the fireworks.

(d) If a purchaser claims to be exempt from registration requirements pursuant to an exemption set forth in Florida Statutes section 791.04, in addition to the information required to be recorded in sub-section (c) above, the purchaser must provide a written notarized statement setting forth the basis of the exemption and the purpose for which the fireworks are being purchased.

(e) The information required to be recorded shall be available for review, inspection and/or copying by the City or its agents at the location where the fireworks are being sold during the period that fireworks are being sold. Additionally, said information shall be retained by the seller for a period of twelve (12) months from the date of sale, and if requested by the City or its agents, shall be produced for review at City Hall during normal business hours. The request by the City or its agents shall be in writing and served upon the seller by certified mail, return receipt requested or by hand delivery to the seller at the last known address of such seller. The seller shall produce the requested information to the City or its agent within five (5) business days after receipt of the written request.

(f) It is unlawful for any seller, as defined herein, to sell fireworks without first obtaining, documenting and recording the information required to be recorded in sub-section (c) above.

(g) It is unlawful for any seller of fireworks to fail to retain the information or records required to be recorded under this Section for a period of twelve (12) months from the date of sale or fail to make said information or records available for review, inspection and copying at the site of the sale.

(h) It is unlawful for any seller of fireworks to fail to produce the information required to be recorded, copied and/or retained under sub-section (c) above within the time limits proscribed herein after the written request of the City or its agents.

(i) It is unlawful for any person, corporation, firm, or co-partnership to misrepresent, misstate, or falsify a statutory exemption under Chapter 791, Florida Statutes for the purpose of inducing a sale of fireworks.

(j) It is unlawful for any person, corporation, firm or co-partnership to manufacture fireworks or sparklers within the City.

(k) The retail sale of sparklers, as defined by Florida Statutes sections 791.01(8) and 791.013, shall be limited to sale in CG and IL zoning districts. The sale of sparklers shall only be permitted in a permanent commercial structure or building and any such sale will be prohibited in any Temporary Structure including but not limited to, a tent, canopy, trailer, open air stand, vehicle or any other structure not permanently located on the property at which the sale of Sparklers is to take place. The sale and storage of sparklers shall be protected by an approved automatic sprinkler system that complies with minimum Extra Hazard Group-2 design criteria, in accordance with NFPA standards for such occupancy hazard. Additionally, said structure shall be of non-combustible construction and shall be free standing with a minimum of ten (10) feet from any contiguous building line and subject to the following requirements:

- (1) A hold harmless affidavit which holds the City harmless for any liability connected with the operation shall be provided to the City fifteen (15) days prior to the authorized sale of sparklers.
- (2) A certification of registration from the State Fire Marshal authorizing the sale of sparklers shall be provided to the City fifteen (15) days prior to the authorized sale of sparklers.
- (3) A signed and notarized affidavit of compliance with the State Approved List of Sparklers shall be signed under oath affirming that only products on the State Fire Marshal's Approved List of Sparklers and Novelty Items will be sold and that the seller understands that a violation of the affidavit may result in an injunction against the sale of Sparklers shall be provided to the City fifteen (15) days prior to the authorized sale of sparklers.
- (4) A plan approved by the City Fire Department and the Department of Community Development delineating storage, parking, sales area and signage shall be provided to the City fifteen (15) days prior to the authorized sale of sparklers.

(l) Any violation of this Section shall subject an offender to arrest pursuant to Florida Statutes section 901.15, and prosecution pursuant to Florida Statutes section 125.69.

(m) Any violation of this Section shall also subject an offender to seizure of the unlawful goods such that the Police Department of Riviera Beach and its officers shall,

at the expense of the owner, seize, take, remove, or cause to be removed all stocks of fireworks or sparklers offered or exposed for sale, stored or held in violation of this Section.

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.

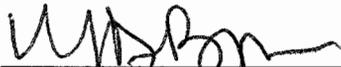
Section 6. Specific authority is hereby granted to codify this Ordinance.

Section 7. This Ordinance shall take effect July 5, 2002.

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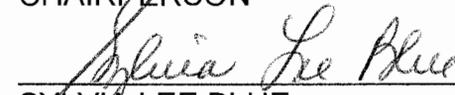
PASSED and APPROVED THIS 5TH day of JUNE, 2002.

APPROVED:

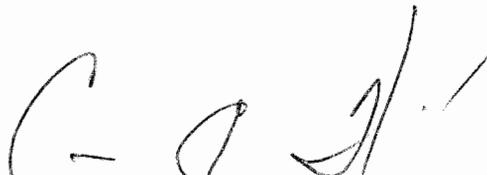

MICHAEL D. BROWN
MAYOR

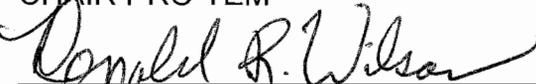

DAVID G. SCHNYER
CHAIRPERSON

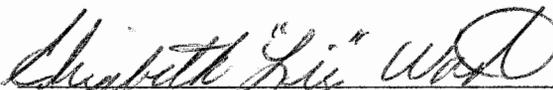
(MUNICIPAL SEAL)

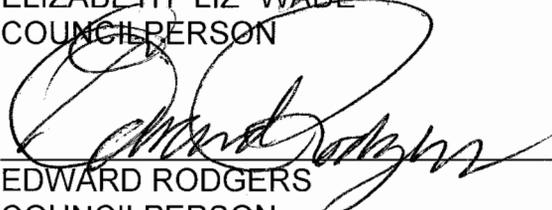

SYLVIA LEE BLUE
CHAIR PRO TEM

ATTEST:


CARRIE E. WARD, CMC/AE
CITY CLERK


DONALD R. WILSON
COUNCILPERSON


ELIZABETH "LIZ" WADE
COUNCILPERSON

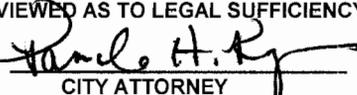

EDWARD RODGERS
COUNCILPERSON

MOTIONED BY:
SECONDED BY:

S. BLUE
E. WADE

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

AYE
AYE
AYE
AYE
AYE

REVIEWED AS TO LEGAL SUFFICIENCY
By: 
CITY ATTORNEY
CITY OF RIVIERA BEACH, FLORIDA

Date: 5/15/02

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

ORDINANCE NO. 2919

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, IMPLEMENTING THE COMPREHENSIVE PAY AND CLASSIFICATION SCHEDULE AS PREPARED BY DMG FOR GENERAL EMPLOYEES REPRESENTED BY THE NATIONAL CONFERENCE OF FIREMEN AND OILERS, LOCAL #1227 AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, both parties have reached a tentative agreement to implement the Comprehensive Pay and Classification Schedule as prepared by DMG which must be approved by City Council; and

WHEREAS, the salary of the General Employees represented by the National Conference of Firemen and Oilers shall be increased based upon the attached Compensation and Classification Implementation Report.

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

SECTION 1. That the DMG Comprehensive Pay and Classification Schedule shall be implemented for the General Employees for the contract year October 1, 2001 – September 30, 2002 which is attached hereto and made a part of this ordinance.

SECTION 2. That employee's salary shall be adjusted to the minimum of the pay grade if the employee's salary is below the minimum effective October 1, 2001.

SECTION 3. Effective October 1, 2001, employees shall be eligible for adjustment to their salary based on either the years in classification or by the years in service calculated by using the following formula (.0035 x salary x years of service) whichever is greater, but in no event shall an employee receive both.

SECTION 4. That during the 2001/2002 Fiscal year, effective on the employee's anniversary date, the employee shall receive the following merit increase based on the employee's evaluation:

Outstanding	2.0%
Excellent	1.5%
Satisfactory	1.0%

SECTION 5. That employees represented by NCFO Bargaining Unit shall have their salaries increased retroactively according to the 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 pay check for Fiscal Year 2001 – 2002. Employees hired subsequent to the effective date of this agreement will be eligible for retroactivity from the date they were hired.

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

SECTION 7. That this ordinance shall not be codified.

ORDINANCE NO. 2919

Page -3-

PASSED and APPROVED on first reading this 19th day of June, 2002.

PASSED and ADOPTED on second and final reading this 17th day of July, 2002.

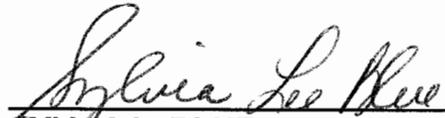
APPROVED:



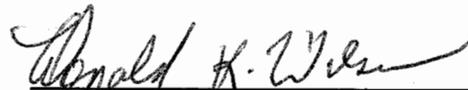
MICHAEL D. BROWN
MAYOR



DAVID G. SCHNYER
CHAIRPERSON



SYLVIA L. BLUE
CHAIRPERSON PRO TEM



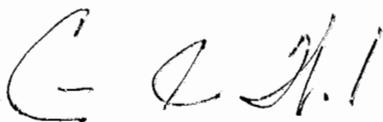
DONALD R. WILSON
COUNCIL MEMBER

(MUNICIPAL SEAL)

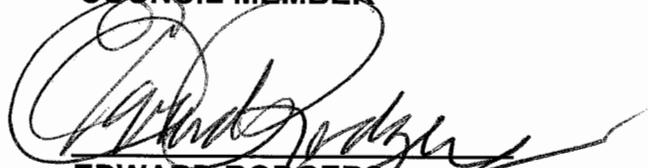
ATTEST:



ELIZABETH "LIZ" WADE
COUNCIL MEMBER



CARRIE E. WARD, CMC/AE
CITY CLERK



EDWARD RODGERS
COUNCIL MEMBER

ORDINANCE NO. 2919

Page -4-

Motioned by: S. Blue

Motioned by: E. Wade

Seconded by: E. Wade

Seconded by: D. Wilson

1st READING

2ND READING

D. SCHYNER aye

aye

S. BLUE aye

aye

D. WILSON aye

aye

E. WADE aye

aye

E. RODGERS aye

aye

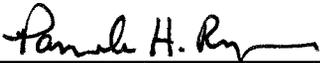
CERTIFICATION OF PUBLICATION:

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.

6/15/02
DATE


Carrie E. Ward, CMC/AE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY


Pamala H. Ryan, City Attorney
City of Riviera Beach

Date 6/13/02

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE II, SECTION 27 OF THE CITY CHARTER ENTITLED "CITY MANAGER APPOINTMENT" BY DELETING THE REQUIREMENT THAT THE CITY MANAGER MAY HAVE ONLY A ONE YEAR CONTRACT; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article II, section 27, of the Charter of the City of Riviera Beach restricts the city manager to no more than a one year employment contract; and

WHEREAS, the City of Riviera Beach City Council has determined that it is in the best interest of the citizens of the City of Riviera to allow the city manager to have an employment contract that is not restricted to one year; and

WHEREAS, Chapter 166, Florida Statutes, which is known as the Municipal Home Rule Powers Act allows a municipal government to change certain provisions of its charter by ordinance; and

WHEREAS, it has been determined that Article II, section 27, of the Charter of the City of Riviera Beach can be amended by ordinance.

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

Section 1. That Article II, section 27, entitled "City manager appointment" of the Charter of the City of Riviera Beach is hereby amended to read:

Section 27. CITY MANAGER APPOINTMENT. The city council shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties in this Charter provided. No city councilman shall receive such appointment during the term for which he shall have been elected. The council shall appoint the city manager for an indefinite term and may remove him by a majority vote of its members. If a contract is required, the city council may execute same, ~~provided same does~~

~~not exceed one (1) year.~~

In the event of a vacancy of the city manager's position, a temporary appointment shall be made not to exceed one hundred twenty (120) days, at which time a city manager shall be appointed.

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 City Charter of the City of Riviera Beach.

Section 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

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

Section 10. Specific authority is hereby granted to codify this Ordinance.

PASSED and APPROVED on first reading this 16th day of June, 2002.

PASSED and ADOPTED on second and final reading this 17th day of July, 2002.

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APPROVED:



**MICHAEL D. BROWN
MAYOR**



**DAVID G. SCHNYER
CHAIRPERSON**

ATTEST:

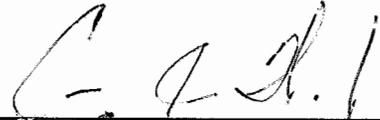
[Municipal Seal]



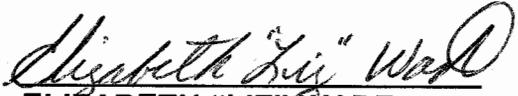
**SYLVIA LEE BLUE
CHAIRPERSON PRO TEM**



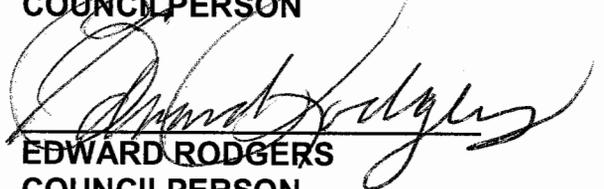
**DONALD R. WILSON
COUNCILPERSON**



**CARRIE E. WARD, CMC/AAE
CITY CLERK**



**ELIZABETH "LIZ" WADE
COUNCILPERSON**



**EDWARD RODGERS
COUNCILPERSON**

**MOTIONED BY:
SECONDED BY:**

E. Wade

D. Wilson

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

aye

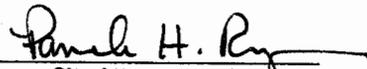
aye

aye

aye

aye

REVIEWED FOR LEGAL SUFFICIENCY

By: 
City Attorney
City of Riviera Beach

Date: 6/12/02

[PHR:syj 06.12.03]

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.

7/17/02
Date



Carrie E. Ward, CMC/AE
City Clerk

ORDINANCE NO. 2921

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM JOHN SKEFFINGTON, WITH LAND LOCATED IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTAINING 2.8 ACRES, LYING ON THE NORTH EAST CORNER OF DR. MARTIN LUTHER KING JR. BOULEVARD AND INTERSTATE 95, 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; AND 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 with 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, to the subject property for development purposes upon annexation of the subject parcel.

WHEREAS, for any businesses that are located on this site, all future advertising must state its location as being in the City of Riviera Beach.

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

Section 1. The above recitations are true and hereby incorporated herein.

Section 2. Pursuant to Chapter 171, Florida Statutes, the City of Riviera Beach, 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

John Skeffington Proprieties

Property Control Number: 00-43-42-31-00-000-3020

Section 3. This ordinance shall be read by Title on first reading, and shall be published in its entirety 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 annexation shall become effective.

Section 4. Within seven (7) 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 5. All Ordinances of the City of Riviera Beach, Florida, shall apply to the property proposed to be annexed when the annexation is final.

Section 6. The corporate limits of the City of Riviera Beach are hereby redefined to include the legal description of the subject property.

Parcel 1

A parcel of land in the Northwest Quarter (NW ¼) of Section 31, Township 42 South, Range 43 East Palm Beach County, Florida.

From the Southeast corner of said Northwest Quarter (NW ¼) of Section 31 run thence West along the East-West Quarter Section Line of said Section 31 a distance of 1120.54 feet, more or less, to the point of beginning of the parcel herein conveyed; thence continue Westerly on said East-West Quarter Section Line a distance of 260.36 feet, more or less, to the intersection thereof with the Easterly Right-of-Way line a distance of 376.82 feet, more or less, to a point in a line parallel to and 350.00 feet North of (measured at right angles) the said East-West Quarter Section Line of Section 31; thence run Easterly along said parallel line a distance of 401.29 feet to the point of beginning.

Parcel 2

Begin at the intersection of the East R/W line of state road No. 710 with the East R/W line of State Road No. 9, (I-95) and run Southeasterly along the East R/W

line of State Road No. 710 a distance of 80.00 feet; thence North 36 42'46" East a distance of 77.29 feet, more or less, to the intersection thereof with the South line of the NW ¼ of Section 31, Township 42 South, Range 43 East, Palm Beach County, Florida; thence West along said South line a distance of 117.09 feet, more or less, to the East R/W line of State Road No. 9 (I-95); thence Southerly along said R/W line a distance of 20.11 feet, more or less, to the point of beginning.

Parcel 2 is restricted to road right of way purposes only for ingress and egress to Parcel 1.

- Section 7. The City Clerk is hereby directed to include the above named parcels within the municipal boundaries of the City of Rivera Beach.
- Section 8. Upon annexation, the City shall assign the land use and zoning designations to said parcels, in accordance with Chapter 163, Florida Statutes.
- Section 9. 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 10. All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflicts shall be repealed.

ORDINANCE NO. 2921

PAGE - 4

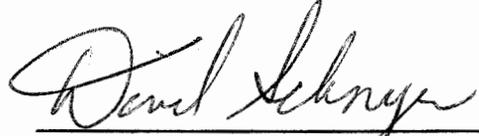
PASSED AND APPROVED on First Reading this 7th day of August, 2002.

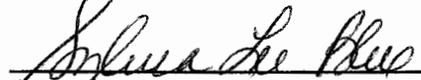
PASSED AND ADOPTED on Second Reading this 21st day of August, 2002.

APPROVED:

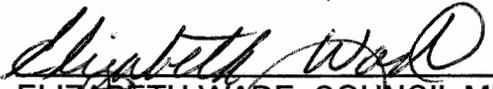

MICHAEL D. BROWN, MAYOR

[MUNICIPAL SEAL]


DAVID SCHNYER, CHAIRPERSON


SYLVIA LEE BLUE, CHAIRPERSON PRO-TEM


DONALD R. WILSON, COUNCIL MEMBER


ELIZABETH WADE, COUNCIL MEMBER


EDWARD RODGERS, COUNCIL MEMBER

ATTEST:


CARRIE E. WARD, CMC/AAE
CITY CLERK

FIRST READING

MOTIONED BY:	<u>D. Wilson</u>
SECONDED BY:	<u>E. Wade</u>
D. SCHYNER	<u>aye</u>
S. BLUE	<u>aye</u>
D. WILSON	<u>aye</u>
E. WADE	<u>aye</u>
E. RODGERS	<u>aye</u>

SECOND AND FINAL READING

MOTIONED BY:	<u>S. Blue</u>
SECONDED BY:	<u>E. Wade</u>
D. SCHYNER	<u>aye</u>
S. BLUE	<u>aye</u>
D. WILSON	<u>aye</u>
E. WADE	<u>aye</u>
E. RODGERS	<u>aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY

City Attorney
City of Riviera Beach

Date _____

ORDINANCE NO. 2921

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.

August 7, 2002
Date


Carrie E. Ward, CMC/AAE, City Clerk