

ORDINANCE NO. 3036

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 ENTITLED "ZONING" BY CREATING ARTICLE XII ENTITLED "ART IN PUBLIC PLACES PROGRAM"; ESTABLISHING PURPOSES; PROVIDING DEFINITIONS; ESTABLISHING AN ADVISORY COMMITTEE; ESTABLISHING POWERS AND DUTIES; ESTABLISHING COMMITTEE MEMBERS; ESTABLISHING FEES; PROVIDING FOR EXEMPTIONS AND WAIVER OF FEES; ESTABLISHING SELECTION CRITERIA; ESTABLISHING USES AND OWNERSHIP; ESTABLISHING GUIDELINES; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**ORDINANCE TABLED AT THE JANUARY 16, 2008 REGULAR CITY  
COUNCIL MEETING**

ORDINANCE NO. 3037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE CITY CHARTER, PURSUANT TO THE COMPREHENSIVE REVIEW AND RECOMMENDATIONS OF THE CHARTER REVIEW BOARD, AS SUBSEQUENTLY REVIEWED, REVISED AND APPROVED FOR SUBMITTAL BY THE CITY COUNCIL, IN ACCORDANCE WITH SECTION 166.031, FLORIDA STATUTES; SUBMITTING PROPOSED CHARTER AMENDMENTS, INCLUDING AMENDMENTS CONCERNING AND PERTAINING TO: CREATION OF NEW CHARTER; NUMBER OF ELECTORS REQUIRED FOR PETITIONERS' COMMITTEE IN INITIATIVE AND REFERENDUM PROCESS; COMPENSATION FOR MAYOR AND COUNCIL PERSONS; CITY PLANNING BOARD, ZONING BOARD OF APPEALS, PLATTING BOARD TO BE PROVIDED FOR BY ORDINANCE; AMENDMENT OF TERM OF OFFICE OF MAYOR, COUNCIL PERSONS FROM 2 YEAR TO 3 YEAR TERM; CITY DEPARTMENTS TO BE PROVIDED BY ORDINANCE, NOT REFERENCED IN CHARTER; LEGISLATIVE STAFF; COMPETITIVE BIDDING PROCESS; FORFEITURE OF OFFICE; AUTHORITY TO REVISE QUALIFYING PERIOD; AUTHORITY OF COUNCIL CHAIRPERSON; REPEAL OF AUTHORITY OF THE MAYOR TO SUSPEND CITY OFFICERS OR EMPLOYEES; CITY MANAGER RESIDENCY REQUIREMENT; MAJOR DISASTER FUND; LIMITATION UPON SPECIAL ASSESSMENTS; READOPTION OF RESTRICTIONS ON SALE AND USE OF BEACH PROPERTY OWNED BY THE CITY; CANDIDATE RESIDENCY REQUIREMENT; CITY MANAGER'S AUTHORITY; MUNICIPAL MARINA; CITY LEGAL DEPARTMENT; AND PROVIDING FOR REPEAL OR AMENDMENT OF CHARTER PROVISIONS WHICH ARE OUT OF DATE, SUPERSEDED, NOT CONSISTENT WITH STATE LAW, OR BEST LEFT TO BEING GOVERNED BY EXISTING OR FUTURE CITY CODE PROVISIONS, SO AS TO CREATE A NEW, UPDATED CITY CHARTER; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE HELD

IN CONJUNCTION WITH THE REGULAR CITY COUNCIL ELECTION ON TUESDAY, THE 11TH DAY OF MARCH, 2008; PROVIDING NOTICE OF ELECTION; PROVIDING FOR BALLOTING AND ELECTION PROCEDURES; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the comprehensive review and recommendations of the City's Charter Review Board and subsequent City Council review, the City Council has determined that certain amendments (the "Charter Amendments") are needed to the City Charter in order to create a new and up to date City Charter document and to provide for certain additional amendments as provided herein; and

WHEREAS, pursuant to Section 166.031, Florida Statutes, as applicable, the City Council is required to submit the Charter Amendments to the electors of the City for approval or rejection.

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

Section 1. Charter Amendments. That pursuant to Section 166.031, Florida Statutes, the City Charter of the City of Riviera Beach, Florida, is hereby amended by amending the City Charter to read, in its entirety, as follows:<sup>1</sup>

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1/ Proposed additions to the existing City Charter text are indicated by underline; proposed deletions from the existing City Charter text are indicated by ~~strikethrough~~. Provisions without underline or strikethrough are provisions which exist in the published charter as adopted on April 17, 1973, as amended. Those provisions which exist in the published charter but have been nullified, in whole or in part, by Section 166.021 (4), Florida Statutes, (including, but not limited to, the provisions of Sections 1-2 of Article XIII "General Provisions") shall be deemed to be re-adopted upon electoral approval pursuant to Section 7 of this ordinance, unless otherwise stated or indicated by strikethrough or underline. Material which is prefaced as "Editor's Note:" constitute editorial comments to the existing City Charter and are maintained for convenience of reference only. Material prefaced as "Comments of charter review board:" constitute comments of the city advisory board which worked diligently in the current charter amendment process, are intended to briefly explain the reason for the proposed Charter ~~amendments~~, do not

## PART I CHARTER\*

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\*Editor's note: Printed herein is the Council-Mayor-Manager Charter of Riviera Beach, as adopted by referendum on April 17, 1973. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes in the text of the Charter, a uniform system of headings, catchlines, citations to state statutes, capitalization and expression of numbers in text has been used. Additions made for clarity are indicated by brackets.

### ARTICLE I. CITY AND POWERS

#### Section 1. [Municipality abolished and recreated.]

That the municipal corporation now existing and known as the City of Riviera Beach, in Palm Beach County, Florida, be and the same is hereby abolished, and a new municipality to be known as the City of Riviera Beach, in Palm Beach County, Florida, is hereby created and established to succeed such former municipality. The City of Riviera Beach hereby created and established shall embrace and include all that territory in Palm Beach County, Florida, described as follows, to wit:

Beginning at the northwest corner of section 29, township 42 south, range 43 east, of the Tallahassee Meridian, thence east along the north lines of said section 29, section 28 and section 27 of the said township and range to the centerline of the Intercoastal Waterway; thence northerly along said centerline to a point of intersection with a line parallel to and 1,294 feet south of the north line of section 22 and the centerline of the Intercoastal Waterway; thence east along said line parallel to and 1,294 feet south of the north line of said section 22 to a point in the westerly boundary of the submerged land area conveyed by the Trustees of the Internal Improvement Fund of the State of Florida to the Lake Worth Realty Company, a Florida Corporation by Trustee's Deed No. 17146 recorded in Deed Book 205, page 82, Public Records of Palm Beach County, Florida; thence northerly along said westerly boundary to a point of intersection with a line parallel to and 8,000 feet southerly from, measured at right angles to, the north line of section 10; thence easterly along said line parallel to and 8,000 feet southerly from, measured at right angles to, the north line of section 10; thence easterly along said line parallel to and 8,000 feet south of the north line of said section 10 to the water's edge of the Atlantic Ocean; thence southerly along the water's edge of the Atlantic Ocean to the point of intersection with the southerly line of a tract of land in Palm Beach County known as Replat of Yacht Harbor, as the same is shown on plat recorded in Plat Book 23, page 57, of the Public Records of Palm Beach County, Florida; thence continuing southerly along the water's edge of the Atlantic Ocean to a point in a line 1,000 feet south of, measured at right angles to, the south line of said Replat of Yacht Harbor; thence on a true west line and parallel to the south line of said Replat of Yacht Harbor to a point in the southerly extension of the center line of that part of State Road No. 703 (formerly State Road No. 140) which runs northerly and southerly through said Replat of Yacht

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constitute a portion of the Charter and may be editorially deleted. Charter section titles appearing at those sections where the existing charter text is repealed shall be editorially deleted.

Harbor; thence continuing on the same course west 1,539 feet; thence along a line with a bearing of north 88° 03' 3D" west to its intersection with the centerline of the channel of the Intercoastal Waterway, as now established; thence southwesterly and southerly along said channel centerline to the south line of said township 42 south, range 43 east; thence" westerly along said township line to the southwest corner of section 32 of said township and range; thence northerly along the west line of said section 32 to the northerly right-of-way line of State Road 710, as same is shown on plat recorded in Road Plat Book 3, pages 151 thru 160, Public Records of Palm Beach County, Florida; thence westerly along said northerly right-of-way of State Road 710 to the easterly right-of-way line of the Central and Southern Florida Flood Control District Canal C-17 as now laid out and in use; thence northerly along said easterly right-of-way line of CanalC-17 to the north line of the south half of section 30, township 42 south, range 43 east, thence easterly along said north line of the south half of section 30 to a point 667.61 feet westerly from the east one-quarter corner of section 30; thence northerly making an angle with the preceding course of 91° 00' 46" from east to north, a distance of 652.99 feet; thence easterly making an angle with the preceding course of 89° 54' 57" from south to east, a distance of 667.87 feet to the east line of said section 30; thence northerly along the east line of section 30 to the point of beginning. The legal description of the City which is set forth above shall be revised, from time to time, as provided by ordinance, so as to conform with annexations to the territory of the City, as authorized by Section 166.031(3), Florida Statutes. Any such revisions previously made shall be deemed to be incorporated into the legal description which is provided above. The latest legal description of the City shall be maintained on file in the office of the City Clerk, accompanied by a map to be used for convenience of reference. The City Council may, by ordinance, authorize the legal description and map to be editorially provided as an appendix to this Charter.

## Section 2. Short title.

This Charter, adopted by the city council of the City of Riviera Beach, shall be known and may be cited as the "Council-Mayor-Manager Charter of Riviera Beach."

## Section 3. Form of government

The municipal government provided by this Charter shall be known as the "council-mayor-manager form of government." All powers of the city shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be described by ordinance, or as provided by the general laws of the State of Florida.

## Section 4. Seal.

The city shall have the right to adopt, use, and change a corporate seal. Such seal shall be the official seal of said city and shall be used only for said purpose and for such other purposes as the City Council may authorize by ordinance.

## Section 5. Powers of the city.

To the fullest extent authorized by Article VIII, Section (2) (b) of the Florida Constitution and laws implementing the municipal home rule powers, ~~The~~ the City of Riviera Beach shall have all governmental, corporate, and proprietary powers possible for a city to have under the

constitution and laws of this state in order to conduct municipal government, perform municipal functions, and render municipal services, and shall possess all other home rule powers. These powers shall be available as fully and completely as though they were specifically enumerated in this Charter, ~~except when~~ unless prohibited by general or special law or by the provisions of this Charter. Except as otherwise provided by this Charter and ordinances adopted by the City Council pursuant to authority provided herein or by applicable law. ~~All-all~~ powers of the city and the determination of all matters of policy shall be vested in the city council.

## Section 6. Effect of this Charter on existing law.

(a) All laws and parts of laws relating to or affecting the City of Riviera Beach in force when this Charter shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this Charter.

(b) All registration rolls of voters, of qualified electors, freeholder or otherwise, prior to the taking effect of this Charter shall continue in full force and effect, notwithstanding the fact that the former City of Riviera Beach was abolished, and such lists, rolls, records and/or books that existed prior to the taking effect of this Charter shall continue in full force and effect and shall be considered to be the registration rolls of the city created under this Charter.

(c) Insofar as the provisions of this Charter are the same terms or in substance and effect as provisions of law in force when this Charter shall take effect, relating to or affecting the City of Riviera Beach, the provisions of this Charter are intended to be not a new enactment but a continuation of such provisions of law, and this Charter shall be so construed and applied.

(d) Nothing herein shall be construed to impair the City's Community Redevelopment Agency or the City's Utility District.

~~(e) All powers previously conferred upon the City by special act are hereby preserved.~~

## Section 7. Adoption by ordinance, resolution or motion.

That all powers conferred upon the city by this article shall be exercised by ordinance adopted by the city council except as otherwise required or permitted by this Charter, or by adopted resolution or motion, when appropriate.

## ARTICLE II. GOVERNMENT

### Section 1. City council,;,mayor-qualifications.

~~(a) That.~~ except as otherwise provided, all powers of the city conferred and provided in this ~~act-Charter~~ shall be vested in, and exercised by, a mayor and a city council consisting of five members, all of whom shall be qualified electors residing in the city, and who shall be elected from the city at large. Any member of the council or the mayor ceasing to possess any of the qualifications herein specified, or who should be convicted of a crime felony while in office, shall immediately forfeit his office. The term "convicted" shall embrace pleas of "guilty" or "nolo contendere", or forfeiture of bonds. The city council may by ordinance implement this provision and provide for the automatic forfeiture of such office upon conviction of a felony and may provide for other appropriate penalties for conviction of lesser crimes as determined by the city council at a hearing.

(b) Only electors of the City who have resided continuously in the City for at least one (1) year preceding the date of filing for office shall be eligible to hold the office of mayor or council person, except that the candidates for districts 1, 2, 3, and 4 must reside within the respective district for the required one year period.

(Charter review board comment: The term crime is somewhat uncertain. Different crimes warrant different sanctions. Further, Section 112.51, F.S., also provides ample authority for the governor to remove offenders, if any. The durational residency requirement provided in proposed new paragraph (b) is presently provided by City Code Sec. 2-27).

## Section 2. Filing and qualification by [districts and] groups.

Elections as hereinafter provided for two councilmen from the city at large shall be held on the first Tuesday in April, 1974, and biennially thereafter and on the second Tuesday in March, 1994, and biennially thereafter. The aforesaid candidates for the two offices of councilman to be elected, shall each file and qualify by selecting the group in which he/she wishes to qualify and the two said groups shall be known and designated as group 2 and group 4 respectively. Elections as hereinafter prOvided for three councilmen from the city at large and the mayor shall be held on the first Tuesday in April, 1975 and biennially thereafter and on the second Tuesday in March, 1993, and biennially thereafter. The aforesaid candidates for the three offices of councilman, to be elected, shall each file and qualify by selecting the group in which he wishes to qualify and the three said groups shall be known and designated as group 1, group 3, and group 5, respectively. Once a candidate has selected the group in which he/she wishes to qualify, he shall not switch to another group.

The City of Riviera Beach shall be divided into four voting districts, however, the election shall be city-wide. The mayor and the candidates in group 5 shall be elected at large and without regard to districts.

The city council shall by ordinance set the boundaries of districts 1, 2, 3, and 4 by January 1, 1975 and either confirm, modify or change the district by January 1, 1985 and every ten years thereafter. Each district shall be as nearly as practicable equal in popUlation and the districts must not vary more than eight percent in population at the time of creating said districts or the adjustment thereof every ten years. Appropriate City staff, as designated by the City Manager, shall review the district boundaries and recommend any necessary revisions to the City Council.

Elections shall be held in districts 2 and 4 on the first Tuesday in April, 1976, and biennially thereafter and on the second Tuesday in March, 1994, and biennially thereafter. The candidates for the two offices of councilmen to be elected, shall file and qualify by selecting the district in which he/she resides.

Elections shall be held for districts 1 and 3 and group 5 and the mayor on the first Tuesday in April, 1977 and biennially thereafter and on the second Tuesday in March, 1993, and biennially thereafter. The candidates for districts 1 and 3 shall file and qualify by selecting the district in which he/she resides. The mayor and the candidates in group 5 shall file and qualify without regard to district.

(Res. No. 183-92, § 1, 11-4-92)

After the 2008 elections, there shall be a transition made in the length of term of office of the mayor and council persons from a term of office of two (2) years to a term of office of three (3) years. This shall be accomplished as follows: (1) at the 2008 elections, council persons shall be elected for district 2 and district 4 for a two (2) year term; (ii) at the 2009 elections, the mayor and council persons for districts 1 and 3 and group 5 shall be elected for a three(3) year term; (iii) at the 2010 elections, council persons shall be elected for district 2 and district 4 for a three (3) year term; (iv) no election shall be necessary in 2011, and elections shall be held regularly thereafter, as the three(3) year terms of office expire, in a manner which maintains the system of staggered terms of office. The City Council may by ordinance adopt any additional provisions which are necessary for the implementation and continuance of three (3) year terms of office.

### Section 3. Notice of candidacy--Filing fee.

In order for any person to qualify as a candidate for any of such elective offices, he/she shall file a notice with the city clerk at least 30 days but not more than 60 days prior to the date of the election that he/she will be a candidate for an office to be voted upon in the ensuing municipal general election. The notice shall be accompanied by a filing fee of five percent of the annual salary of the office sought, but not less than \$50.00. Other fees shall be applicable as provided by Florida statutes. The qualifying period may be revised by ordinance which is adopted by the City Council.

### Section 4. Date of election--Run-off elections.

The names of the persons so qualifying shall appear as candidates on the ballot for an election to be held on the second Tuesday in March of each election year. In case anyone candidate for any office shall receive a majority of the votes of the registered and qualified electors of the city actually voting at such election, such person shall be deemed elected to such office. In case, as to any office, no candidate receives such a majority, then the two who receive the highest vote shall be voted upon at an election to be held on the fourth Tuesday of March, and the one who then obtains a majority shall be deemed elected to such office.  
(Res. No. 183-92, § 1, 11-4-92)

### Section 5. Run-off in case of tie.

In the event of a tie vote at a run-off election, the candidates, all of whom shall be qualified electors residing in the city, receiving the tie votes in each group shall be voted on at a special run-off election to be held in the same manner and by the same officers holding the previous election.

In the event of a tie vote at the first election between the persons receiving the second highest number of votes cast, the names of those persons receiving such tie votes shall be placed on the ballot, with the person receiving the highest number of votes, so that at the run-off election a candidate can be elected to such office.

Section 6. Elections nonpartisan.

All of the elections hereinabove provided for shall be nonpartisan and no ballots at any such elections shall contain any party designation.

Section 7. Continuance of present officials.

The terms of the present elected above-designated city officials shall continue until successors thereto have been chosen and qualified at the election hereinabove provided. and who shall take office at the next regular meeting after general election.

Section 8. Official oath.

That the mayor, members of the city council, the clerk, chief of police, any other police officer of the city, and any other persons required to take an oath, shall before entering upon the duties as such, and before being qualified to perform the duties of such official, make an oath of office in substantially the following form:

State of Florida, County of Palm Beach, City of Riviera Beach, I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support the Constitution of the United States and the State of Florida and conform to the statutes and general laws of the State of Florida, and do all in my power to uphold, support and enforce the Charter and ordinances of the City of Riviera Beach, Florida, and perform the duties of the office upon which I am about to enter. to the best of my ability, so help me God.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D.

TABLE INSET:

	Notary Public, State of Florida at Large
	My Commission Expires:

Such oath of office may be administered by the city clerk or the mayor of the city, or by any person authorized to administer oaths in the state.

(Charter review board comment: This section is not necessary. but supplements the oath required by Section 876.05, F.S.)

Section 9. Registration of electors.

Editor's note: This section has been editorially deleted as it is superseded by F.S. § 98.041.

Section 10. Qualification of electors.

Editor's note: This section has been editorially deleted as superseded by F.S. §§ 98.041 and 166.032.

## Section 11. Meetings of city council.

That at least one regular meeting of the city council shall be held in each calendar month at such time as may be fixed by resolution or ordinance, and special meetings shall be called by the clerk upon written request of the mayor or two members of the city council. All ~~official~~ meetings of the city council shall be open to the public and the citizens or taxpayers of the city shall have an opportunity to be heard at such official meetings in regard to any subject pertaining to the city. This provision shall not be construed in any manner which impairs or interferes with the City's ability to provide for orderly meetings and to use the open meetings exemptions or exceptions which are provided by applicable law. Accordingly, such exemptions and exceptions shall be applicable to this section.

(Charter review board comment: For example, attorney client litigation sessions under Section 286.011(8), F.S., and city manager-city council collective bargaining sessions under Chapter 447, F.S., are exempt from the open meetings requirements)

## Section 12. Salaries of elected officials.

The salaries of the elected officials of the city shall be \$19,000.00 in amounts which are provided by ordinance for members of the city council and \$20,200.00 for the mayor. The city council member serving as chairperson and the Mayor shall be entitled to an annual stipend of \$1,200.00 in an amount which is set by ordinance in addition to the above ~~stated~~ referenced salary. The ordinance which provides for the salary and for the chairperson's and the Mayor's stipend, as described above, may also include a provision for an automatic annual adjustment of the salary and stipend, respectively, in the amount of the annual increase in the consumer price index.

(Ord. No. 2200, § 1, 7-6-83; Ord. No. 2596, § 1, 9-20-93; Ord. No. 3014, § 1, 9-20-06)

(Charter review board comment: Mayor and Council salary has already been previously adjusted by ordinance as allowed by Section 166.021, F.S. Accordingly, it is not appropriate to include the monetary levels within the Charter document.)

State law references: Municipal home rule powers act, repeal of certain limitations, F.S. § 166.021.

## Section 13. Chairman Chairperson.

The city council shall elect from its members a chairman chairperson who shall act as mayor during the absence or other disability of the mayor and during such time shall have and exercise all the powers and duties of the mayor and shall be entitled to vote on all questions. The chairman chairperson shall serve at the pleasure of the council. The council shall provide

for a chairman chairperson pro-tem to serve in the absence of the chairman chairperson. The Council may, by ordinance, restrict or limit the authority of the chairperson to exercise the veto authority of the mayor.

(Charter review board comment: The board had a concern that sometimes it may not be appropriate for the chairperson to vote and then also use the Mayor's veto power on the same item when the Mayor is absent or disabled for a matter.)

#### Section 14. Rules of the city council.

The city council shall be the judge of the election and qualifications of its members, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers. The city council shall conduct its meetings in accordance with parliamentary proceedings as laid down in Robert's Rules of Order, Revised, and shall keep a journal of its proceedings. It shall have power to compel the attendance of absent members and may punish its members for disorderly behavior. and may remove any member of the city council and declare his office vacant, as hereinafter provided; but no member shall be expelled unless and except for good cause shown and notified of the charge against him and given an opportunity to be heard in his own defense, and such dismissal shall be only on majority vote of the remaining members of the council.

#### Section 15. Quorum.

A majority of the members of the city council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members present at any meeting shall be necessary to adopt any ordinance, resolution, order or vote.

Each member shall vote except on matters involving the consideration of his official conduct or when his financial interests are involved, in which case the affirmative vote of a majority of the members voting shall be necessary for the adoption of any ordinance, resolution, order or vote.

Each council person shall vote on matters unless otherwise required or authorized by the provisions of applicable law, including, but not limited to the Code of Ethics for Public Officers and Employees as set forth in Part III of Chapter 112, Florida Statutes, or Section 286.012, Florida Statutes, or ordinance of the City Council which provides additional ethics requirements.

#### Section 16. Ordinances-Resolutions.

Ordinances and resolutions shall be introduced in the council only in written form. All ordinances, except ordinances making appropriations and ordinances codifying or re arranging

existing ordinances, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriation.

All ordinances shall be presented at ~~two~~ separate regular meetings, except that if a pressing need exists, the council, by a four fifths vote may have the ordinance presented the second time at the same meeting for final adoption. When an ordinance is presented the first time, it shall be read as hereinafter provided and promptly after the meeting it shall be placed on the bulletin board in city hall. It shall be presented the second time before it shall become effective and on the second presentation shall be read by title only. Ordinances need not be read in full, but it shall be sufficient if the title be read in full and thereafter the headings of the following sections be read and the substance of each paragraph be given. If an ordinance is revised or amended ~~between~~ the first and second presentations, it shall be necessary to read the amended portion only, at the second presentation, in addition to the reading of the title. Any person present at the first presentation may request that the ordinance be read in full in every detail, provided such request is approved by a majority ~~late~~ of the council present.

The second passage of any ordinance pursuant to this Charter shall be final and no further passage shall be required. The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the city ~~council~~.

(Charter review board comment: this section proposed for deletion since covered by Sec. 166.041, F.S.)

Editor's note: This section has been superseded in part by the uniform procedure for the adoption of ordinances, F.S. § 166.041.

#### Section 17. Ordinances and resolutions-Effective dates.

All ordinances shall be effective and shall become ~~law when~~ adopted unless specifically provided otherwise in another section of this Charter. All resolutions shall be signed by the mayor but shall be effecti~~ve~~ immediately upon passage.

~~No~~ ordinance making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed ~~without~~ it being presented at two separate meetings at least ten days apart.

(Charter review board comment: the first paragraph of this section is proposed for deletion since covered by Sec. 166.041, F.S. The second paragraph of this section is proposed for deletion since it has been nullified, in whole or in part, by Section 166.021 (4), F.S. as a limitation on the home rule power of the City).

Editor's note: This section has been superseded in part by the uniform procedure for the adoption of ordinances, F.S. § 166.041.

#### Section 18. Final adoption of ordinances.

That upon final passage and approval of an ordinance, it shall be signed by the councilmen ~~council~~ persons voting, and be signed by the mayor, or ~~vice~~ mayor chairperson, in

the absence or inability of the mayor, and the city clerk, and it shall be recorded in a book kept for that purpose. The mayor shall sign all ordinances and resolutions even though he be not present at the meeting at which they were adopted unless he/she intends to veto an ordinance which he/she shall have the right to do, which veto must be entered within five days of the passage of the ordinance, otherwise the ordinance shall stand adopted; provided, however, that the council may override the veto of the mayor by four affirmative votes.

#### Section 19. Mayor.

A mayor shall be elected by the qualified voters of the city in the same manner as provided hereinabove for council personsmembers. The mayor shall be recognized as head of the city government for all ceremonial purposes, by the courts for the purpose of serving civil process and by the governor of the state for military purposes. In time of public danger or emergency, he/she may, with the consent of the city council, take command of the police and maintain order and enforce the laws.

During his absence or disability his/her duties shall be performed by the vice mayor chairperson of the city council. The mayor shall report to the city manager violation or neglect of duty on the part of employees of the city, that may come to his knowledge. He/she may examine into the condition of the books, records and papers of any department, and the manner of conducting official business. He/she shall report to the city council all violations and neglect of duty of any official that may come to his/her knowledge; he/she may make such recommendations about the business and the general welfare of the city to the council as he/she deems advisable; he/she may communicate from time to time to the council such information and make recommendations of the measures touching the public service as he/she may deem proper. He /she shall have a voice at the council meetings but he/she shall vote only in the matter of the appointment of a councilman council person in case of a tie vote of the city council when a vacancy exists.

The mayor shall have power to suspend any officer or employee of the city, except members of the council, for misconduct in office or neglect of duty, but shall report his action in writing to the council with the reasons thereof at the next regular meeting of the council for its approval or disapproval, and the said officer or employee shall stand and remain suspended only upon the approval thereof by a majority vote of the council, and upon disapproval thereby, shall receive his compensation for the time during which he was suspended.

(Charter review board comment: The last paragraph of section 19, as stricken through above, is proposed for repeal since it may be viewed as not consistent with the city manager's responsibilities under Section 24 of this Article.)

#### Section 20. City attorney.

The city council shall appoint an attorney and/or may employ a professional law firm which specializes in municipal government for the city at such compensation and with such duties consistent with the his office as may be determined by the council. In the event that the city council enters into a contract for the provision of legal services with the city attorney or the law firm, the contract shall provide for an annual performance evaluation of the city attorney and

the law firm by the city council. It is the responsibility of the city attorney or the law firm to notify the city council of any contract expiration three months in advance or it may forfeit such contract.

(Ord. No. 2293, § 1,11-20-85; Res. No. 203-94, § 1,12-7-94)

(Charter review board comment: It may be advisable for the City to hire a team of attorneys from a law firm which specializes in multiple facets of municipal law to best represent the city in specialized areas.)

## Section 21. Publicity of records.

All records and accounts of every office, department or agency of the city shall be open to inspection by any citizen, qualified elector or taxpayer, or any representative of the press at all reasonable times and under reasonable regulations established by the city pursuant to state law.

(Charter review board comment: It is proposed that this section be repealed since the matter of public records is comprehensively covered by Chapter 119, F.5., and other applicable law)

State law references: Public records law, F.S. ch. 119.

## Section 22. Removal for cause.

Any elected official may be removed from office and deprived of the right to serve as such official for misfeasance, nonfeasance, malfeasance, or any conduct of an immoral or criminal nature committed while in office; but, before any such official shall be so removed and denied the right to perform his official duties, a complaint shall be filed with and presented to the city council by some citizen or taxpayer of said city, or by any member of the city council, setting forth in detail the offense of which said official is charged. Such complaint shall be considered by the city council and if said city council shall determine that the offense charged is of such nature and gravity as to constitute a ground, or cause, for the removal of such official, the council shall thereupon set a date for the hearing of the said complaint and direct the chief of police, or some other officer of the city, to give the official so charged written notice of the date of trial and also deliver to him a copy of the complaint so filed.

Upon the trial of such complaint, testimony shall be heard by the city council, both in support and in defense of the charges made, and both the complainant and the defendant shall have the right to be represented by legal counsel. If the complaint is filed by other than a councilman, four fifths vote of the council is required for a dismissal. If the complaint is made by a city councilman, he shall not sit in judgment of the case, but shall testify like any other witness called in to testify in said case. If, by unanimous vote of the remaining members of the city council, they shall find and determine that such official is guilty of either or all of the offenses designated as charged in the complaint, the city council shall thereupon adopt a resolution removing such official and depriving him of the right to perform his official duties and declaring his office vacant; and the said official shall no longer have the privilege of performing his official duties, his office shall be vacated and his successor shall thereafter be elected in the manner provided herein.

Upon any trial under the provisions of this section, all witnesses shall give testimony under oath and any member of the city council present at such hearing, mayor, and city clerk, shall be authorized to administer oaths...Appeal to circuit court shall be made within 45 days of the date of such decision of the council.

(Charter review board's comment: It is recommended that this section be repealed since it is superseded in part by Sec. 100.361, F.S., and is covered by Sec. 112. 51, F.S.)

Editor's note: This section has been superseded in part by the uniform procedure for the recall of municipal officials, F.S. § 100.361.

### Section 23. Vacancies.

Whenever a vacancy shall occur in any elective office then such vacancy shall be filled by appointment by the city council and the mayor in case of a tie vote. The term of such appointment shall be only until the next general election, at which election the unexpired term, if any, shall be filled by the electors from among candidates who qualify as hereinbefore provided.

### Section 24. Removal of officers and employees.

(a) Any officer or employee appointed by the city manager or head of any department, may be removed by the city manager or head of that department at any time, with the approval of the city manager; subject to the provisions of article V of this Charter.

(b) The city manager shall have the power to appoint and remove any city officer or head of a department, except for the city attorney. However, the city manager shall have the power to remove any such city officer or head of a department only for justifiable cause. The city council may, by ordinance, define the term "justifiable cause" as used herein.

(Charter review board comment: City Ordinance No. 2646 created the "justifiable cause" provision. This amendment would include that in the Charter.)

### Section 25. City council--Appointments.

The city manager shall have the power to appoint and remove any city officer or head of a department and the city council shall have the power to fix the salaries of the following: city manager, finance director, city attorney, city clerk, city prosecutor, city prosecutor ad litem and chief of police. The city council shall only appoint the city manager and the city attorney (as provided by Section 20 above) and shall set the salaries of the city manager and the city attorney. The city manager and the city attorney and they shall serve at the pleasure of the city council. In the event that the city council enters into an employment contract with the city manager, the contract shall provide for an annual performance evaluation of the city manager by the city council. The City Council may, (subject to annual budget procedures), appoint and set the salaries for its legislative staff, who shall serve at the pleasure of the council and whose

responsibilities may be provided by ordinance. The legislative staff shall not, in any manner, interfere with the city manager.

(Ord. No. 2293, § 1, 11-20-85; Res. No. 203-94, § 1, 12-7-94)

(Charter review board comment: This amendment is intended to enable 'the city council to appoint legislative staff if necessary.)

## Section 26. Personal financial interest

Any city officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a city officer or employee in the making of such sale or in the making or performance of such contract. Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by the city manager with the approval of the council.

(Charter review board comment: This section is proposed to be deleted since the matters provided therein are adequately covered by the code of ethics set forth in Part III of Chapter 112. F. 5.)

State law references: Code of ethics and standards of conduct, F.S. § 112.311 et seq.

## 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 council person shall receive such appointment during the term for which he/she shall have been elected. The council shall appoint the city manager for an indefinite term and may remove him/her by a majority vote of its members. If a contract is required the city council may execute same and shall therein provide for an annual performance evaluation of the city manager as referenced in Section 25, above.

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

(Ord. No. 2920, § 1, 7-17-02)

## Section 28. Qualifications of city manager.

The city manager shall be chosen by the city council on the basis of his/her executive and administrative qualifications with special reference to his/her actual experience in, or his/her knowledge of, accepted practice in respect to the duties of his/her office as hereinafter set forth.

The city manager must present a resume' of his/her credentials and must become a bona fide resident ~~within five miles of the city limits~~ within ~~60~~ 120 days of his/her appointment.

## Section 29. City manager--Duties-Powers.

The city manager shall be the chief administrative officer and the head of the administrative branch of the city government. He/she shall be responsible to the city council for the proper administration of all affairs of the city and to that end, subject to the personnel provisions of this Charter, shall have power and shall be required to:

1. Appoint, with approval of city council, and when necessary for the good of the city, remove all officers and employees of the city, except as otherwise provided by this Charter, and except as he/she may authorize the head of a department or office to appoint and remove subordinates in such department or office;
2. Prepare the budget annually and timely submit it to the city council and be responsible for its administration after adoption;
3. Prepare and submit to the city council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;
4. Keep the city council advised of the financial condition and future needs of the city and make such recommendations as may seem to him desirable;
5. Perform such other duties as may be prescribed by this Charter or required of him/her by the city council, not inconsistent with this Charter.

The city manager shall attend all meetings of the council, but shall have no vote therein. The city manager may take part in discussion of all matters coming before the council, ~~and At the city manager's or council's request.~~ the directors and other officers may take part in all discussions of the city council relating to their respective offices, departments or agencies.

## Section 30. Department of finance.

There shall be a department of finance, the head of which shall be the director of finance, who shall be appointed by the city council. The director of finance must present a resume' of his credentials. The director of finance shall have charge of the financial affairs of the city as prescribed by ordinance.

The director of finance shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control. The director of finance shall receive an annual salary which shall be set by the city council.

(Charter review board comment: this section is proposed to be repealed since it is, in part, not consistent with the city manager's authority under Article II, Section 25 of the Charter, and the remaining provisions may be best covered by ordinance, if desired)

### **Section 31. Official bonds.**

The director of finance, the tax collector, and such other officers or employees as the council may require by general ordinance, shall give bond in such amount and with such surety as may be approved by the council. The premiums on such bonds shall be paid by the city.

**(Charter review board comment: This section is proposed to be deleted, since if employee fidelity bonds are necessary, that may be required by ordinance)**

### **Section 32. Appropriation-Lapses.**

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

**(Charter review board comment: This section is proposed to be deleted, since it is adequately covered by State law.**

### **Section 33. Competitive bidding.**

Before the city makes any purchase of supplies, materials, or equipment exceeding the sum of \$1,500.00, it shall provide ample opportunity for competitive bidding.

**\_\_\_\_\_The city council may by ordinance provide requirements for soliciting competitive bids or proposals for the city's purchase of supplies, materials, equipment, services or improvements .**

**(Charter review board comment: This section is proposed to be revised and may be implemented by existing or future city code provisions which may include modern monetary references for competitive bidding thresholds. It is also noted that the City has previously adopted procurement Ordinance 2412 in 1989.)**

### **Section 34. City improvements exceeding \$2,500.00.**

Any city improvements costing more than \$2,500.00 shall be executed by contract except where such expenditure is authorized by the city council to be executed directly by a city department in conformity with detailed plans, specifications and estimates. All such contracts for more than \$2,500.00 shall be awarded to the lowest best responsible bidder after such public notice requesting sealed bids as may be prescribed by ordinance, provided the council shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the city council upon the written or verbal recommendation of the city manager at any authorized meeting of the city council. The city council may open and consider a single bid, if only one bid is submitted.

**(Charter review board comment: This section is proposed to be deleted since it is, in part, nullified by Section 166.021(4), F.S., and may be addressed via ordinance as noted in the comment below section 33.)**

State law references: Municipal home rule powers act, repeal of certain limitations, F.S. § 166.021.

Section 35. Bond ordinance or resolution required for contracts.

No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds until the ordinance or resolution authorizing the issuance of such bonds shall have taken effect and any contract executed before such day shall be unenforceable in any court of law.

(Charter review board comment: This section is proposed to be deleted since it has been nullified, in whole or in part, as provided by Section 166.021 (4), F.S.)

State law references: Municipal home rule powers act, repeal of certain limitations, F.S. § 166.021.

Section 36. Appropriations for major disasters and catastrophes.

In accordance with the formula set forth hereinafter, the city council shall, pursuant to this section, each budget year make an appropriation to cover the potential cost to the city resulting from a major disaster and/or catastrophe. Subject to the annual budget public hearing and adoption process, Each each budget year the council shall appropriate 1 1/2 per centum of its total estimated annual ad valorem tax revenue, which shall be set aside in a separate fund known as the "major disaster fund," until such time as the total amount in this fund has reached the sum of \$250,000.00. The balance in this fund shall be carried forward in the budget from year to year. Expenditures from this fund shall be made by resolution of the city council, approved by at least three members.

(Charter review board comment: The proposed modification of the section would create a binding major disaster fund. The existing provisions were nullified by Section 166.021 (4), F.S.)

State law references: Municipal home rule powers act, repeal of certain limitations, F.S. § 166.021.

Section 37. Emergency notes.

In the absence of unappropriated available revenues to meet emergency appropriations under the provisions of this article, the city council may by resolution authorize the issuance of notes, each of which shall be designated "emergency note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made.

(Charter review board comment: This section (and sections 38-40) is proposed to be repealed as superseded, in whole or in part, by Section 166.021, F.S., and is

adequately covered by the municipal borrowing authority provisions which are set forth in Section 166.101.F.5. et seq.)

Section 38. Tax anticipation notes.

In any current budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the city council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year \_\_\_\_\_" (stating the budget year). Such notes may be issued for a period not exceeding one year, and may be renewed from time to time for periods not exceeding one year, but together with renewals, shall mature and be paid not later than the end of the fiscal year of the year in which the original notes shall have been issued. The amount of the tax anticipation notes originally issued in any budget year shall not exceed 50 per centum of the amount of the property tax levied in that year for city purposes.

(Charter review board comment: Please see comment below Article II, Section 37.)

State law references: Municipal home rule powers act, repeal of certain limitations, F.S. § 166.021; municipal borrowing authority, F.S. § 166.101 et seq.

Section 39. Special revenue notes.

In any budget year, in anticipation of the collection or receipt of other revenues of that budget year, the city council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "special revenue note for the year \_\_\_\_\_" (stating budget year). Such notes may be renewed from time to time, but all such notes together with the renewals, shall mature and be paid not later than the end of the fiscal year in which the original notes shall have been issued. Such special revenue notes shall not exceed 50 per centum of the amount of special revenue which was collected during the previous fiscal year.

(Charter review board comment: Please see comment below Article II, Section 37)

State law references: Municipal home rule powers act, repeal of certain limitations, F.S. § 166.021; municipal borrowing authority, F.S. § 166.101 et seq.

Section 40. No demand notes--Sales thereof.

No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note. All notes issued pursuant to this article may be sold at private or public sale by the director of finance after advertisement, but said notes shall not be sold at less than par and accrued interest.

(Charter review board comment: Please see comment below Article II, Section 37)

State law references: Municipal borrowing authority, F.S. § 166.101 et seq.

#### Section 41. Idle funds.

If the city treasury has on hand any idle funds belonging to the City of Riviera Beach, Florida, which are not likely to be used within the near future, and if said funds can be invested, or deposited at interest, in a method approved for the investment or deposit of public funds, then the city treasurer and/or finance director shall cause said idle funds to be so invested or deposited in the manner that public funds are so invested or deposited, for a reasonable time. Such funds shall be deposited or invested in units of not less than \$1,000.00 or more. .

(Charter review board comment This section is proposed to be repealed since it is adequately covered by Part IV of Chapter 218, F.S., and existing finance protocols.)

### ARTICLE III. BUDGET\*

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\*State law references: Mandatory budget adoption procedures, F.S. § 200.065 et seq.

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#### Section 1. Fiscal year.

The fiscal year of the city government shall begin on the first day of October and shall end on the last day of ~~September~~ of each calendar year. Such fiscal year shall also constitute the budget and accounting year. ~~As~~ used in this Charter, the term "budget year" shall mean the fiscal year for ~~which~~ any particular budget is adopted and in which it is administered.

(Charter review board comment: this section (and section 2-9 of this Article 111), are proposed to be repealed, since the matter is adequately covered by Section 166.241, Section 200.065, F. S., and the 2007 tax reform legislation. In the event that there are any provisions of sections 1-10 which are desired to be retained, for example the detailed provisions of Section 3 of Article III which sets forth the form of the budget, those provisions may be adopted by the City Council by ordinance.)

State law references: Mandatory fiscal year, F.S. § 166.232.

#### Section 2. Preparation and submission.

The city manager, at least 60 days prior to the beginning of each budget year, shall submit to the city council a budget and an explanatory budget message in the form and with the contents provided by section 4 of this article. For such purpose, at such date as he shall determine, he, or an officer designated by him, shall obtain ~~from~~ the head of each office or

department estimates of income and expenditure of that office or department, detailed by organization units and character and object of expenditure, and such other supporting data as he may request; together with an estimate of all capital projects pending or which such department head believes should be undertaken (a) within the budget year and (b) within the five next succeeding years. In preparing the budget, the city manager shall review the estimates, shall hold hearings thereon and may revise the estimates, as he may deem advisable.

(Charter review board comment: Please see comment below Article III, Section 1)

### Section 3. Budget.

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the city manager deems desirable or the council may require. In organizing the budget the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicate the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

1. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
2. Proposed capital expenditures during the ensuing fiscal year; detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and
3. Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

(Charter review board comment: Please see comment below Section 1 of Article III)

### Section 4. Budget message.

The city manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such

changes, summarize the city's debt position and may include such other subjects as the manager deems desirable.

**(Charter review board comment: Please see comment below Section 1 of Article III)**

## **Section 5. Public hearing--Notice.**

At the meeting of the city council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget. A notice of the place and time of the hearing shall be published in a newspaper in 14 point type at least seven days prior to the date of the said public hearing. The publication shall state that copies of the budget can be obtained at city hall. The budget and budget message and all supporting schedules shall be a public record in the office of the city clerk, open to public inspection after the council has studied same and has announced the date of the public hearing. The city manager shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons.

**(Charter review board comment: Please see comment below Section 1 of Article III)**

**Editor's note:** This section has been superseded in part by the uniform procedure for the adoption of budgets and fixing of millage, F.S. § 200.065 et seq.

## **Section 6. Additions and increases.**

After the conclusion of such public hearing, the city council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law. The council may not vary the titles, descriptions or conditions of administration specified in the budget. Before inserting any additional item, decreasing or increasing any item of appropriation of a material nature, it must cause to be published a notice setting forth the nature of the proposed decreases or increases and fixing a place and time, not less than five days after publication, at which the council will hold a public hearing thereon.

After such further hearing the council may insert the additional item or items, and make the decreases or increases, to the amount in each case indicated by the published notice, or to a lesser amount, but where it shall increase the total anticipated revenue to at least equal such total proposed expenditures.

**(Charter review board comment: Please see comment below Section 1 of Article III)**

**Editor's note:** This section has been superseded in part by the uniform procedure for the adoption of budgets and fixing of millage, F.S. § 200.065 et seq.

## **Section 7. Adoption of budget**

The budget shall be adopted by the favorable votes of at least a majority of all the members of the city council. The budget shall be finally adopted not later than the first regular council meeting in September.

Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the mayor and city clerk and a copy filed in the office of the director of finance. The council may provide by ordinance that the budget, so certified, be printed, mimeographed, or otherwise reproduced and sufficient copies thereof shall be made available for the use of interested persons and civic organizations.

(Charter review board comment: Please see comment below section 1 of Article III)

Editor's note: This section has been superseded in part by the uniform procedure for the adoption of budgets and fixing of millage, F.S. § 200.065 et seq.

#### Section 8. Budget establishes appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named. From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination as the amount of the levy for the purposes of the city, in the corresponding tax year.

Transfer of appropriations. At any time during the fiscal year the city manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the city manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another; provided, however, no such interdepartmental transfer shall be made prior to 90 days of the expiration of the budget year.

(Charter review board comment: Please see comment below Section 1 of Article III)

Editor's note: This section has been superseded in part by the uniform procedure for the adoption of budgets and fixing of millage, F.S. § 200.065 et seq.

#### Section 9. Appropriations necessary.

That, prior to or at the time of the city's entering into any contract for the expenditure of money, the city council must appropriate sufficient funds with which to pay the cost of fulfilling the contract; and any contract made contrary to the provisions hereof shall be illegal, and shall not be enforceable against the city.

(Charter review board comment: Please see comment below Section 1 of Article III)

## Section 10. Miscellaneous revenues.

No miscellaneous revenue ~~from~~ any source shall be included as an anticipated revenue in the budget in an excess of the amount actually realized in cash from the same source in the preceding fiscal year, and that actually realized up to the month of the current fiscal year to which the budget is being prepared, plus that to be received in the remaining months of the year, estimated as accurately as may be, unless the city manager shall determine that the facts clearly warrant the expectation that such excess amount ~~will~~ actually be realized in ~~cash~~ during the budget year and shall certify such determination in writing to the council. All fees in connection with the city management received by any officer or employee shall belong to the city and shall be paid into the treasury of the city.

(Charter review board comment: Please see comment below Section 1 of Article II)

## ARTICLE IV. PLANNING\*

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\*State law references: Comprehensive planning acts, F.S. § 163.3161 et seq.

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### Section 1. Planning board.

There shall be a city planning board ~~which~~ shall consist of at least five members, ~~who~~ shall be electors of the city ~~who~~ shall be appointed by the city council, none of ~~whom~~ shall hold any elective office or salaried position in the city. The city manager and mayor may serve as ~~ex~~ officio members of the board. The board shall elect its chairman and other officers from among the appointive members. Any member of the said planning board may be removed by the city council after a hearing ~~which~~ may be public if he so desires.

The term of the appointive members shall be three years, except that, of the five members first appointed, one shall be appointed for a term of one year, ~~two~~ for ~~two~~ years, and ~~two~~ for three years. Any vacancy during the unexpired term of a member shall be filled by the city council for the remainder of that member's term. Alternates may be appointed by the council from time to time. The ~~powers~~ and duties of the planning board shall be prescribed by ordinance.

(Charter review board comment: It is proposed that this section be repealed so that it may be covered by ordinance instead)

### Section 2. Director of planning.

There may be a director of planning ~~who~~ may be appointed by the city manager with the approval of the city council and ~~who~~ shall be qualified by special training and experience in the field of city planning. He shall be the regular technical advisor of the board, may also be

designated its executive secretary, and shall have such other authority, duties, and responsibilities under the direction and control of the council as it may require and establish.

(Charter review board comment: This section is proposed to be repealed to clarify that the City Manager's appointment of the planning director does not require council approval, and so that any desired provisions may simply be provided by ordinance.)

### Section 3. Zoning board of appeals.

There shall be a zoning board of appeals which shall consist of five members, who shall be electors of the city, and shall be appointed by the city council for a term of three years, except that of the members first appointed, one shall be for a term of one year, and two for a term of two years; the remaining two shall be for a term of three years each. Any member of the said board of appeals may be removed by the city council after a hearing which may be public if he so desires. Any vacancy shall be filled for the unexpired term of the member whose place has become vacant. Two alternate members may be appointed by the council to serve in the absence of regular members.

All meetings of the board of appeals shall be held at the call of the chairman or vice chairman, and at such other times as such board may determine. All meetings of the board of appeals shall be open to the public. The board of appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every order, requirement, decision or determination of the board shall immediately be filed in the office of the city clerk and shall be a public record. The board of appeals shall have power to hear and determine appeals from refusal of building permits. The board of appeals shall elect its own officers. Appeals from the decisions of the zoning board of appeals may be made to the court having jurisdiction of such cases in Palm Beach County, Florida. The powers and duties of the zoning board of appeals shall be prescribed by ordinance.

(Charter review board comment: This section is proposed to be repealed so that it may instead be covered simply by ordinance adopted by the city council.)

### Section 4. The comprehensive plan.

The city may adopt a comprehensive plan for the physical development of the city, with the accompanying maps, plats, charts, descriptive and explanatory matter. Such plan may include, among other things, (a) the general location, character and extent of streets; bridges, parks, waterways, and other public ways, grounds and spaces; (b) the general location of public buildings and other public property; (c) the general location and extent of public utilities, whether publicly or privately owned; (d) the removal, relocation, widening, extension, narrowing, vacation, abandonment, or change of use of such existing or future public ways, grounds, spaces, buildings, property, or utilities; (e) the general extent and location of public housing

projects and slum clearance projects; (f) projected or anticipated expansion; (g) protection of the environment shall be a major consideration of the development of the comprehensive plan.

(Charter review board comment: This section is proposed to be repealed since covered by State law (Sec. 163.3161! F.5.)

Editor's note: This section has been superseded in part by the uniform comprehensive planning act, F.S. § 163.3161 et seq.

## Section 5. Platting board.

The city council shall be the platting board of the city and as such shall have the control of the platting or subdivision of land within the city. The city council, may, however, delegate this authority to a board.

(Charter review board comment: This section is proposed to be repealed so that it may simply be covered by ordinance.)

## Section 6. Official map.

The city council shall by ordinance establish an official map of the city. Said map shall designate and show utility lines, easements, etc. The official map shall be kept current.

(Charter review board comment: This section is proposed to be repealed. since, if desired, it may be covered by ordinance.)

## Section 7. Building on mapped streets.

The city council may provide by general ordinance that no permit shall be issued for any building or structure or any part thereof on any land located between the mapped lines of a street as shown on the official map. Any such ordinance shall provide that the zoning board of appeals shall have the powers, upon an appeal filed with it by the owner of such land, to grant a permit for a building or structure or part thereof on any such mapped street location in any case in which such board finds, upon the evidence and arguments presented to it upon such appeal, (a) that the entire property of the appellant, of which such mapped street location forms a part, cannot yield a reasonable return to the owner unless such permit be granted, and' (b) that, balancing the interest of the city in presorving the integrity of the official map and the interest of the owner of the property in the use and benefits of his property, the grant of such permit is reqUired by considerations of reasonable justice and equity.

(Charter review board comment: This section is proposed to be repealed. so that, if desired, it may simply be covered by City ordinance.)

## Section 8. Zoning ordinances.

For the purpose of promoting the health, safety, morals or general welfare of the city, the city council may by ordinance regulate the location, height, bulk, and size of buildings and other structures, the size of yards, courts, and other open spaces, the density of population and the uses of buildings, structures and land for trade, industry, business, residence or other purposes. Such ordinances may provide that the zoning board of appeals may, in appropriate principles, standards, rules, conditions and safeguards set forth in the ordinance, make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. Such ordinances may provide that the zoning board of appeals may authorize variances from the strict application of the regulations in such situations and subject to such limitations as may be set forth in the ordinance.

(Charter review board comment: This section is proposed to be repealed since ample zoning authority is conferred by Section 166.021, F.S.)

## ARTICLE V. CIVIL SERVICE

### Section 1. Civil service for employees of the city.

The City of Riviera Beach shall have a civil service system for the employees of the city.

The civil service system for the employees shall be managed and controlled by two civil service boards . . . one for the police and fire departments and the other for the general employees of the city. Each board shall be composed of at least five members but not to exceed seven members.

The fire department, the police department and the general employees of the city shall have the right to elect from its [their] respective departments at least two of their fellow employees who shall serve on the board on all matters pertaining to their respective department. The city council shall appoint the remaining members to the police and fire department board and the general employees board.

## ARTICLE VI. MUNICIPAL COURT\*

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\*Editor's note: This article has been editorially deleted as municipal courts were abolished by the state constitution, art. V, § 20(d)(4).

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## ARTICLE VII. CITY POLICE DEPARTMENT

### Section 1. [Established.]

The city council shall appoint a chief of police of said city and the said chief of police of such police officers designated by said chief of police shall enforce all ordinances of the City of

Riviera Beach and laws of the State of Florida pursuant to the constitution and laws of the State of Florida.

The police chief, or any member of the city police force, may pursue a violator of the law beyond the corporate boundaries of the City of Riviera Beach to make an arrest provided, however, that the said arrest shall be made after fresh pursuit, and to return the arrested person to the city's jurisdiction, if necessary.

(Charter review board comment: This section is proposed to be repealed as in conflict, in part, with Section 25 of Article II, which provides that the City Council appoints only the City Manager and City Attorney, not the chief of police, and since the police department is governed by applicable law and may be further covered via ordinance.)

#### ARTICLE VIII. BONDS.

(Charter review board comment: It is proposed that Sections 1-9 of this Article VIII be deleted, since portions (including sections 6 and 8) have been nullified by Sec. 166.021 (4), F.S., and the remaining provisions are adequately covered by Sec. 166.101, F.S., et. seq., which provide authority and restrictions for municipal borrowing)

\*State law references: Municipal borrowing, F.S. § 166.101 et seq.

#### Section 1. Authority.

That the City of Riviera Beach, Palm Beach County, Florida, be, and it hereby is vested with full power and authority to issue bonds of the city, bearing interest at a rate not to exceed the maximum legal rate for municipalities as established by Florida Statutes, and pledge the full faith and credit of the city for payment of such bonds and the amount evidenced thereby and interest coupons to be thereto attached; and to sell and deliver the same at such time as the city council of the said city shall deem necessary, and expedient, to obtain funds to be used in paying the costs of:

- (a) Acquiring any lands or other property deemed necessary for the public use and benefit of the city and its inhabitants;
- (b) For paving, grading, and improving streets and sidewalks within the city, and constructing or establishing storm drainage facilities;
- (c) For building, constructing and repairing any wharf, dock, pier, yacht basin and other structures of a similar nature;

(d) For building or acquiring an electric light and power plant, sea walls, retaining walls, ice plant and gas plant, and other structures, together with all machinery, supplies and equipment deemed necessary for the successful operation and maintenance thereof;

(e) And for the acquirement and construction of any and all public utilities or necessities which the city, under the terms of this act, is authorized to acquire and operate.

Editor's note: Full authority for municipal borrowing is contained in F.S. § 166.101 et seq.

## Section 2. Resolution required-Referendum.

That, before the said city shall issue, sell or deliver any such bonds, or to pledge its faith and credit for the payment of any sum evidenced by such bonds and interest coupons, the city council of said city shall pass and adopt a resolution declaring its intention to issue such bonds, prescribing the form, denominations, and maturities of the interest coupons to be attached thereto, which resolution shall specify the purpose or purposes for which the moneys derived from the sale of such bonds shall be used; but no such bonds shall be issued, sold or delivered until the question as to whether or not they shall be issued has been submitted to the qualified electors residing within the said city at an election called and held as prescribed by the statutes and constitution of the state for such purpose and authorized, ratified or approved by a majority of the majority of such electors of the city.

Editor's note: Full authority for municipal borrowing is contained in F.S. § 166.101 et seq.

State law references: Municipal home rule powers act. repeal of certain limitations, F.S. § 166.021.

## Section 3. Limitations-Signatures required.

That all such bonds issued by the said city for any of the purposes specified herein shall mature serially or upon a date certain to be therein named which shall be not later than 40 years from the date of such bonds as prescribed in the resolution authorizing the issuance of same; and no such bonds shall be a valid and binding obligation upon the city unless they are signed by the mayor, attested by the city clerk and countersigned by the city treasurer and the corporate seal of said city affixed thereunto; provided, however, that the signatures of the city clerk and the city treasurer may be facsimile signatures; but the interest coupons to be thereto attached may be executed under the facsimile signature of the city clerk.

Editor's note: Full authority for municipal borrowing is contained in F.S. § 166.101 et seq.

State law references: Municipal home rule powers act, repeal of certain limitations, F.S. § 166.021.

## Section 4. Provisions for payment.

That, in the event any general obligation bonds are issued, sold, and delivered by the city as provided herein, it shall be the duty of the city council of the City of Riviera Beach, Florida, to make ample provisions for the payment of the principal and interest evidenced by such bonds and interest coupons by making an annual tax levy upon all real and such personal

property as the ~~council~~ may decide ~~within~~ the city and collecting ~~such~~ taxes in the manner provided by law.

#### Section 5. Authority to refund.

The city shall have the authority and power to ~~refund~~ obligations in advance of the first called date or maturity, and shall also ~~have~~ the authority and power to pledge excise taxes and other revenues for the payment of bonds.

Editor's note: Full authority for municipal borrowing is contained in F.S. § 166.101 et seq.

#### Section 6. Sale at not less than 98 percent.

That the said city shall not sell any ~~bonds~~ issued by it in the future for less than 98 percent of the face value thereof and that all ~~bonds~~ which the city may sell shall be sold to the ~~lowest~~ bidder for cash after notice of the city's intention to sell has been published in a newspaper published in Palm Beach County, Florida, and having a circulation within the City of Riviera Beach, and a financial newspaper in New York City at least ten days prior to the sale of such bonds; but, in no event, shall a sale be made at a price less than the highest or best bid which shall have been received considering all circumstances. The city shall ~~have power~~ to ~~reject~~ any and all such bids.

Editor's note: Full authority for municipal borrowing is contained in F.S. § 166.101 et seq.

State law references: Municipal home rule powers act, repeal of certain limitations, F.S. § 166.021.

#### Section 7. Election to authorize.

That the city shall not issue, sell or ~~deli~~ver any such bonds where the full faith and credit of the city is pledged as provided in this article for any purpose unless authorized by a majority of the qualified electors residing in the city, voting at an election called and held for such purpose in accordance with the constitution and general laws of the State of Florida in such ~~cases~~ made and provided except funding on refunding bonds to pay outstanding and binding obligations of the city.

Constitutional law reference--Certain bonds payable from ad valorem taxes subject to referendum, art. VII, § 12, Fla. Const.

#### Section 8. Limitation of debt.

That at no time shall the bonded indebtedness of the city ~~exceed~~ 25 percent of the assessed valuation of the taxable property within the corporate limits of the city.

State law references: Municipal home rule powers act, repeal of certain limitations, F.S. § 166.021.

Section 9. Authority to issue revenue bonds.

The said city is hereby authorized to issue revenue bonds bearing interest at a rate not to exceed the legal rate provided by Florida Statutes for any municipal purpose including those set forth in section 1 of this article by adopting appropriate resolutions therefor. The laws and statutes of the State of Florida shall establish the procedure for the issuance of such revenue bonds.

State law references: Municipal borrowing authority, F.S. § 166.101 et seq.

ARTICLE IX. TAXATION\*

\_\_\_\_\_  
\*State law references: Taxation and finance, F.S. § 166.201 et seq.  
\_\_\_\_\_

Section 1. [State law applies.]

The general laws of the State of Florida upon the subject of taxation shall apply to and govern in the assessment, levy and collection of taxes in the City of Riviera Beach and in the sale of delinquent property for taxes; and shall also apply and govern in respect to the powers, duties and liabilities of persons and property touching and concerning school taxes, and shall have full force and effect in said city as far as the same may be applicable. The council may by ordinance augment the state laws but not be in conflict therewith.

(Charter review board comment: It is proposed that this section be deleted, since the taxing power is covered by Florida law, including Section 166.201, F.S.)

ARTICLE X. INITIATIVE, REFERENDUM AND RECALL\*

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\*State law references: Uniform procedure for recall of municipal officials, F.S. § 100.361.  
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Section 1. General authority.

(a) *Initiative.* The qualified voters of the city shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed the qualified voters of the city shall have a right to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

(b) *Referendum.* The qualified voters of the city shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, the qualified voters of the city shall have a right to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program except on capital projects financed by tax revenue certificates for water and sewer systems, and shall not apply to any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

## **Section 2. Commencement of proceedings; petitioner's committee; affidavit.**

~~Any~~ A minimum of five qualified voters of the city may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Although the members of the petitioners' committee shall be responsible for circulating the petition and filing it in proper form, the petitioners' committee may authorize other persons to circulate the petition and act as circulator.

Promptly after the affidavit of the petitioners' committee is filed the city clerk shall issue the appropriate petition blanks to the petitioners' committee.

## **Section 3. Petitions.**

(a) *Number of signatures.* Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least 15 percent of the total number of qualified voters registered to vote at the last regular election.

(b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinances proposed or sought to be reconsidered.

(c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he/she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) *Time for filing referendum and initiative petitions.* Referendum petitions must be filed within 30 days after adoption by the council of the ordinance sought to be reconsidered. Initiative petitions must be filed within 30 days after refusal or rejection of the council to pass a proposed ordinance.

#### Section 4. Procedure after filing.

(a) *Certificate of city clerk; amendment.* Within 20 days after the petition is filed the city clerk shall complete a certificate as to its sufficiency, specifying if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 3, and within five days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient. or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the clerk shall promptly present his/her certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *Council review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.

(c) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

#### Section 5. Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition; or
- (2) The petitioners' committee withdraws the petition; or
- (3) The council repeals the ordinance; or
- (4) Thirty days have elapsed after a vote of the city council on the ordinance unless a petition is in process.

#### Section 6. Action on petitions.

(a) *Action by council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided therein or reconsider the referred ordinance by voting its repeal. If the council fails to

adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.

(b) *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than 30 days and not later than one year from the date of the final council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

## Section 7. Results of election.

(a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

## Section 8. Recall.

Any member of the city council may be removed from office by the electors of the City of Riviera Beach. The procedure in a recall petition shall be identical with that for an initiatory or referendary petition, except that:

(a) The petition shall state the reason for the recall.

(b) The city clerk shall approve the form of the petition.

(c) The person or persons circulating the petition must obtain signatures of electors of the city in numbers equal to 30 percent of the qualified voters of the city, registered to vote at the last regular city election.

(d) The signed petition shall be filed with, canvassed and certified by the city clerk within 20 days.

(e) The city council must provide for a recall election not less than 30 nor more than 60 days after certification of the petition.

(f) The question of recall shall be placed on the ballot in a manner that will give the elector a clear choice for or against the recall. The result shall be determined by a majority vote of the electors voting on the question.

(g) If the majority is against recall the officer shall continue in office under the terms of his previous election. If the majority is for recall, he shall, regardless of any defect in the recall petition, be deemed removed from office immediately.

(h) No recall petition against such an officer shall be certified within six months after he takes office nor within one year after a recall petition against him is defeated.

(i) A vacancy created by recall shall be filled in accordance with section 24, article II.

(Charter review board comment: This section is proposed to be deleted as superseded by Sec. 100.361, F.S., which provides uniform procedures for the recall of elected officials.)

Editor's note: This section has been superseded by the uniform procedure for the recall of municipal officials, F.S. § 100.361, pursuant to F.S. § 100.361(8).

## ARTICLE XI. SUCCESSION IN GOVERNMENT

### Section 1. Riviera Beach a municipality.

That the said City of Riviera Beach, Palm Beach County, Florida, shall be and constitute a body politic and corporate and as such shall have perpetual existence and may sue, be sued, defend, plead, and be impleaded in all courts and places and shall exercise all the powers, privileges, and functions of municipalities prescribed, authorized and provided in the constitution and general laws of the State of Florida fully and completely. unless prohibited by the provisions of this Charter.

### Section 2. Present ordinances and resolutions not repealed.

That all ordinances and resolutions of the City of Riviera Beach, Palm Beach County, Florida, which have not been repealed or rescinded by the city council of the said city be, and the same are hereby validated, ratified and confirmed. Except if an ordinance has been challenged in court as of the date of the final approval hereof, such ordinance so challenged shall stand ratified or invalidated as the court or courts may order.

### Section 3. Rights of officers and employees reserved.

Nothing in this Charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the City or of any office, department or

agency *existing* at the time when this Charter shall take effect, or any provision of law in force at the time when this Charter shall take effect and not inconsistent with the provisions of this Charter, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil *rights* or any other rights or privileges of officers or employees of the city or any office, department or agency thereof.

#### Section 4. Continuance of present officers.

All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office or department of the city by the laws of the state shall, if such office or department be abolished by this Charter, or under its authority, be thereafter exercised and discharged by the office or department designated by the city council unless otherwise provided herein.

#### Section 5. Continuity of offices or departments.

Any office or department provided for in this Charter with a name or with powers and duties the same or substantially the same as those of an office or department heretofore existing shall be deemed to be continuation of such office or department and shall exercise its powers and duties in continuation of their exercise by the office or department by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter within the scope of its regular powers and duties commenced by an office or department by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office or department, shall, so far as not inconsistent with the provisions of this Charter, apply to such office or department provided for by this Charter.

#### Section 6. Transfer of records and property.

All records, property and equipment whatsoever of any office or department or part thereof, all the powers and duties of which are assigned to any other office or department by this Charter, shall be transferred and delivered to the office or department to which such powers and duties are so assigned. If part of the powers and duties of any office or department thereof are by this Charter assigned to another office or department, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office or department to which such powers and duties are so assigned.

#### Section 7. Present taxes-levies-Assessments validated.

That all tax rolls, tax assessments, tax levies and tax sales made by the said city or its officials, and all tax sale certificates and tax deeds issued by the said city or its officials, and all liens fixed and levied by the said city or its officials for street and sidewalk improvements, and all foreclosures instituted and consummated by the said city or its officials for the sale of lands for taxes and special assessments, and all decrees rendered and deeds issued pursuant to any foreclosure proceedings, be, and the same are hereby validated, ratified, and confirmed.

Section 8. Bonds ratified.

That all refunding bonds issued by the said City of Riviera Beach and its officials, and all other bonds issued by the city to date of the final passage hereof, be, and the same are hereby validated, ratified, and confirmed.

Section 9. Continuance of contracts and public improvements.

All contracts entered into by the city, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or Charter provisions existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and Charter provisions.

Section 10. Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the city or any office or department or officer thereof, shall be affected or abated by the adoption of this Charter or by anything therein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office or department or officer party thereto may by or under this Charter be assigned or transferred to another office or department or officer, but in that event the same may be prosecuted or defended by the head of the office or department to which such functions, powers and duties have been assigned or transferred by or under this Charter.

ARTICLE XII. LOCAL IMPROVEMENTS

Section 1. [Adoption of state law.]

The council shall make all local improvements in accordance with F.S. ch. 170 and the amendments thereto, and city's home rule authority, provided however that up to 50 percent of the cost of all street and secondary drainage improvements shall be paid by the benefited property owner, and provided further that the council may determine the apportionment formula for special assessments for curbs, gutters, valley gutters, and sidewalks as between the portion to be paid for by the city and the portion to be paid for by the benefited property owner.

(Charter review board comment: This amendment is proposed in order to revise and make the Fifty (50%) Percent special assessment apportionment restriction of this section binding and to accordingly limit the apportionment of certain special assessments).

State law references: Municipal home rule powers act, repeal of certain limitations, F.S. § 166.021.

## ARTICLE XIII. GENERAL PROVISIONS

### Section 1. Beach property not for sale.

The City of Riviera Beach, Palm Beach County, Florida, shall not have power to sell, and is hereby prohibited from selling any part of the municipal beach property owned by the City of Riviera Beach, Palm Beach County, Florida, on Singer Island in Township 42 South, Range 43 East, Palm Beach County, Florida, more fully described as:

Commencing at the northeast corner of section 27, township 42 south, range 43 east, Palm Beach County, Florida as shown on the plat of Palm Beach Shores recorded in Plat Book 23, page 30, Public Records of Palm Beach County, Florida; thence run westerly along the north line of said section 27, a distance of 224.9 feet to a point in the centerline of the right-of-way of State Road No. 703 (formerly State Road No. 140) as same is now laid out and in use; thence south  $2^{\circ} 36' 30''$  west (on an assumed bearing) along said centerline, and its southerly projection making an angle of  $90^{\circ} 42' 00''$  with the north line of said section 27, measured from east to south, a distance of 2,686.31 feet to a point in the easterly projection of the north line of said Palm Beach Shores, as shown on sheet 2; thence continue southerly along the same course 1,000 feet to a point in the north line of lot 348 of said Palm Beach Shores, thence east along the north line of said lot 384 and lot 383 a distance of 50.05 feet to the point of beginning and the southwest corner of the parcel of land herein described; thence continue east along the north line of lots 383, 382, 381, 380 and 379 to the westerly right-of-way line of Ocean Avenue according to the plat of said Palm Beach Shores, thence continue east across said Ocean Avenue to the northwest corner of lot 631 and the easterly right-of-way line of said Ocean Avenue; thence continue east along the north line of said lot 631 to the waters of the Atlantic Ocean; thence meandering the waters of the Atlantic Ocean in a northerly direction to a point of intersection with the easterly extension of the north line of said Palm Beach Shores; thence west along the easterly extension of the north line of said Palm Beach Shores to a point in the easterly right-of-way line of said State Road No. 703; the said easterly right-of-way line being parallel to and 50 feet easterly (when measured at right angles) to the said centerline of State Road No. 703; thence southerly along said easterly right-of-way line a distance of 1,000 feet to the point of beginning.

The bearings used in this description are assumed.

State law references: Municipal home rule powers act, repeal of certain limitations, F.S. § 166.021.

### Section 2. Municipal beach area.

That portion of the property known as the "Sand Beach and Swimming Area" and more particularly described as follows:

Commencing at the point of intersection of the north line of lot 384 and the southerly projection of the centerline of State Road No. 703, according to the plat of Palm Beach Shores, "recorded in Plat Book 23, page 30, Public Records of Palm Beach County, Florida; thence east along the north line of lots 383, 382, 381, 380 and 379, a distance of 458.27 feet to the point of beginning and the southwest corner of the herein described parcel of land; thence north  $0^{\circ} 47' 40''$  east along a line a distance of 999.05 feet, to a point of intersection with the north line of Palm Beach

Shores extended easterly; thence east along said north line of Palm Beach Shores extended easterly to the waters of the Atlantic Ocean; thence southerly, meandering the waters of the Atlantic Ocean, to a point of intersection with the north line of lot 631, Palm Beach Shores; thence west along the north line of said lot 631 and its westerly extension to the point of beginning.

The bearings used in this description are assumed.  
shall be reserved for and perpetually used as a municipal beach and shall not be sold, leased or rented.

State law references: Municipal home rule powers act, repeal of certain limitations, F.S. § 166.021.

(Charter review board comment: The provisions of Sections 1-2 of Article XIII above, are proposed to be readopted as a portion of the new City Charter in order to overcome the nullification of those sections as being limitations on the power of the City, which nullification has resulted from Section 166.021(4), F.S.)

### Section 3. Rental of beach property.2

The City of Riviera Beach may from time to time enter into such rental agreements of portions of the municipal beach property owned by the City of Riviera Beach upon such terms and conditions as the City Council may deem to be in the best interest of the City; however, no rental agreement, including options, shall exceed a period of the fifty (50) years. The land shall not be used for purposes other than those beneficial to tourism and recreation. The maximum height for any buildings or other structures on the municipal beach property shall be five (5) stories. The municipal beach property is located in the City of Riviera Beach, Palm Beach County, Florida, on Singer Island in Township 42 South, Range 43 east, Palm Beach County, Florida, more fully described as:

Commencing at the northeast corner of section 27, township 42 south, range 43 east, Palm Beach County, Florida as shown on the plat of Palm Beach Shores recorded in Plat Book 23, page 30, Public Records of Palm Beach County, Florida; thence run westerly along the north line of said section 27, a distance of 224.9 feet to a point in the centerline of the right-of-way of State Road No. 703 (formerly State Road No. 140) as same is now laid out and in use; thence south 2° 36' 30" west (on an assumed bearing) along said centerline, and its southerly projection making an angle of 90° 42' 00' with the north line of said section 27, measured from east to south, a distance of 2.686.31 feet to a point in the easterly projection of the north line of said Palm Beach Shores, as shown on sheet 2; thence continue southerly along the same course 1,000 feet to a point

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2/ This Section 3 was adopted pursuant to March 13,2007 referendum election.

in the north line of lot 348 of said Palm Beach Shores, thence east along the north line of said lot 384 and lot 383 a distance of 50.05 feet to the point of beginning and the southwest corner of the parcel of land herein described; thence continue east along the north line of lots 383,382,381, 380 and 379 to the westerly right-of-way line of Ocean Avenue according to the plat of said Palm Beach Shores, thence continue east across said Ocean Avenue to the northwest corner of lot 631 and the easterly right-of-way line of said Ocean Avenue; thence continue east along the north line of said lot 631 to the waters of the Atlantic Ocean; thence meandering the waters of the Atlantic Ocean in a northerly direction to a point of intersection with the easterly extension of the north line of said Palm Beach Shores; thence west along the easterly extension of the north line of said Palm Beach Shores to a point in the easterly right-of-way line of said State Road No. 703; the said easterly right-of-way line being parallel to and 50 feet easterly (when measured at right angles) to the said centerline of State Road No. 703; thence southerly along said easterly right-of-way line a distance of 1,000 feet to the point of beginning.

### Section 3.5 City Marina Property.

The City's municipal marina shall not be sold. However, the city council may enter into management, license or lease agreements with marina users and/or outside operators for a term of not more than fifty (50) years in order to facilitate marina activities, use or operations. This provision may be implemented by ordinance adopted by the City Council.

### Section 4. Notice required of suits against city.

Where the present state general laws provide for "notice to municipalities," of intention of any party to bring suit against a municipality, then any party intending to bring suit against the City of Riviera Beach shall give notice as required by such present state laws; in all other cases not covered by such present state laws where a person, firm or corporation intends to bring suit against the City of Riviera Beach, then no person, firm or corporation shall institute any such action against the City of Riviera Beach without first having given notice in writing to the city council and city attorney of the intention to bring such suit, setting forth in detail the nature and particulars constituting the basis of such suit, and all actions against the city, including actions for wrongful death, but not including actions ex contractu, shall be barred unless instituted within one year from the date of the accrual of the action.

(Charter review board comment: this section is proposed to be deleted as superseded by Sec. 768.28, F.S.)

State law references: Tort liability and limitations; notice; etc., F.S. § 768.28.

## Section 5. Separability clause.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

## Section 6. Adoption by reference.

The City of Riviera Beach shall have authority to incorporate into its laws or codes any law of the State of Florida, which may be applicable to a municipality, by the adoption of an ordinance referring to and describing such law, and such law, when so adopted by reference, shall be in full force and effect and as enforceable as any other law of the City of Riviera Beach, and the city shall have authority to adopt such other laws and ordinances as may be provided by the general laws of the State of Florida.

## Section 7. [Repeal of conflicting laws.]

That all laws or parts of laws in conflict herewith are hereby repealed.

## Section 8. [Effective date.]

This act shall take effect immediately upon its becoming a law. Upon approval by the majority of electors voting, the Charter amendments provided for herein shall be effective as provided by the ordinance which submits the amendments to the electors for approval. .

Section 2. Election Called. That a special election is hereby called, to be held on Tuesday, the 11<sup>th</sup> day of March, 2008, to present to the qualified electors of the City of Riviera Beach, the ballot questions provided in Section 3 of this Ordinance.

### Section 3. Form of Ballot.

A. That the form of ballot for the Charter Amendments provided for in Section 1 of this Ordinance shall be substantially, as follows:

#### 1. CREATION OF NEW CHARTER

It has been proposed that the City Charter be comprehensively amended to reflect the creation of a new Charter including changes made for style, clarity and consistency, along with amendments describing the duties, responsibilities, authority and qualifications of City officers, and amendments conforming and updating the Charter to

conform with State law provisions, and deleting matters more properly covered by City ordinances.

Shall the above-described Charter Amendment be adopted?

Yes

No

2. NUMBER OF ELECTORS REQUIRED FOR PETITIONERS' COMMITTEE IN INITIATIVE AND REFERENDUM PROCESS

The current City Charter provides that only five electors may commence initiative or referendum proceedings as a Petitioners' Committee. It has been proposed that the Charter be amended to provide that at least five city electors, but a greater number of such electors, may serve on the committee, and that additional persons may be authorized by the committee to circulate such petitions.

Shall the above-described Charter Amendment be adopted?

Yes

No

3. COMPENSATION FOR MAYOR AND COUNCIL PERSONS

The City Charter sets forth compensation for the Mayor and Council Persons, while the level of compensation has been periodically subject to amendment by council ordinance. It is proposed that the Charter be amended to confirm that the council, mayoral and chairperson compensation shall be set by ordinance, and to provide for an automatic annual adjustment of such compensation for cost of living increases.

Shall the above-described Charter Amendment be adopted?

Yes

No

4. CITY PLANNING BOARD, ZONING BOARD OF APPEALS, PLATTING BOARD TO BE PROVIDED FOR BY ORDINANCE

The City Charter currently provides for a Planning Board, a Zoning Board of Appeals, and a Platting Board. It has been proposed that the Charter be amended to repeal references to these Boards from the Charter, and instead to leave the creation and operation of these Boards to be governed by existing and future city code provisions.

Shall the above-described Charter Amendment be adopted?

Yes

No

5. AMENDMENT OF TERM OF OFFICE OF MAYOR, COUNCILPERSONS FROM 2 YEAR TO 3 YEAR TERM

The City Charter currently provides for the Mayor and Councilpersons to be elected for a two year term of office. It is proposed that the Charter be amended to provide that the Mayor and Councilpersons shall be elected for a three year term of office, with a transition being made so that Council terms continue to be staggered.

Shall the above-described Charter Amendment be adopted?

Yes

No

6. CITY DEPARTMENTS TO BE PROVIDED BY ORDINANCE, NOT REFERENCED IN CHARTER

The City Charter currently provides for a planning department, finance department and police department. It is proposed that the Charter be amended to repeal the references to those departments and to instead leave the creation and organization of those departments to be governed by existing and future city code provisions.

Shall the above-described Charter Amendment be adopted?

Yes

No

7. LEGISLATIVE STAFF

The City Charter currently provides that the City Council appoints only the City Manager and the City Attorney. It is proposed that the City Charter be amended to enable the City Council to also appoint and hire legislative staff to serve the entire City Council, subject to the Council's authority to provide for the responsibilities of such legislative staff by ordinance.

Shall the above-described Charter Amendment be adopted?

Yes

No

8. COMPETITIVE BIDDING PROCESS

The City Charter contains provisions on competitive bidding which may have, in part, been nullified by state law provisions as limitations on the power of the City. It is proposed that the City Charter be clarified and amended to provide that the City Council may provide competitive bidding procedures by ordinance, so that competitive bidding requirements may be governed by existing and future city code provisions.

Shall the above-described Charter Amendment be adopted?

Yes

No

9. FORFEITURE OF OFFICE

The City Charter currently provides that any Mayor or Councilperson convicted of a crime shall forfeit his or her office. It is proposed that the City Charter be amended to enable the City Council, by ordinance, to provide for automatic forfeiture of such office upon conviction of a felony and to provide other penalties for lesser crimes as determined by the Council.

Shall the above-described Charter Amendment be adopted?

Yes

No

10. AUTHORITY TO REVISE QUALIFYING PERIOD

The City Charter currently provides for a qualifying period for mayoral and council elections that commences sixty days prior to the date of a City election and ends no less than thirty days prior to the date of the election. It is proposed that the City Charter be amended to enable the qualifying period to be revised by ordinance which is adopted by the City Council.

Shall the above-described Charter Amendment be adopted?

Yes

No

11. AUTHORITY OF COUNCIL CHAIRPERSON

The City Charter currently provides for the Chairperson of the City Council to exercise the veto power of the Mayor, in the event of the absence or other disability of the Mayor. It is proposed that the Charter be amended to enable the City Council by ordinance to restrict or limit the authority of the Chairperson to exercise the Mayor's veto power.

Shall the above-described Charter Amendment be adopted?

Yes

No

12. REPEAL OF AUTHORITY OF THE MAYOR TO SUSPEND CITY OFFICERS OR EMPLOYEES

The City Charter currently grants the Mayor the authority to suspend officers or employees of the City for misconduct in office or neglect of duty, subject to subsequent City Council review. It is proposed that the Charter be amended to repeal the Mayor's authority to suspend City officers or employees. This amendment shall not impair the City Manager's authority over certain City officers and employees.

Shall the above-described Charter Amendment be adopted?

Yes

No

13. CITY MANAGER RESIDENCY REQUIREMENT

The City Charter currently provides that the City Manager shall reside within five miles of the City limits within 60 days of appointment to such office. It is proposed that the Charter be amended to require the City Manager to become a resident of the City within 120 days of appointment as City Manager.

Shall the above-described Charter Amendment be adopted?

Yes

No

14. MAJOR DISASTER FUND

The City Charter provides for a major disaster fund of \$250,000. This requirement may not be binding, as being inconsistent with the City's powers. It is proposed that the Charter be amended to make the major disaster fund a binding Charter provision and require that each year 1.5% of the City's estimated annual ad valorem tax revenue be deposited into such fund without a balance limit.

Shall the above- described Charter Amendment be adopted?

Yes

No

15. LIMITATION UPON SPECIAL ASSESSMENTS

The City Charter provides that 50% of the cost of certain street and drainage improvements shall be paid by the benefited property owner. It is proposed that the Charter be amended to provide that up to but not more than 50% of the cost of such street and drainage improvements shall be paid by the benefited property owner, and to make this a binding Charter provision.

Shall the above-described Charter Amendment be adopted?

Yes

No

16. READOPTION OF RESTRICTIONS ON SALE AND USE OF BEACH PROPERTY OWNED BY THE CITY

The City Charter contains provisions providing that the beach property owned by the City shall not be sold and restricts the use of a portion as a municipal beach. Since such provisions may have been nullified by Florida law, it is proposed that the Charter be amended to re-adopt those provisions as binding.

Shall the above-described Charter Amendment be adopted?

Yes

No

17. CANDIDATE RESIDENCY REQUIREMENT

The City Charter currently does not specify the length of time candidates must reside in the City prior to filing to run for mayoral or council office. It is proposed that the Charter be amended to require such City residency for one year prior to filing to run for office, and that for districts 1, 2, 3 and 4, the one year residency be within the respective district.

Shall the above-described Charter Amendment be adopted?

Yes

No

18. CITY MANAGER'S AUTHORITY

The City Charter currently grants the City Manager the authority to remove certain officers and employees. It is proposed that the Charter be amended to provide that the City Manager may remove officers and department heads only for justifiable cause, and that the City Council may define that term by ordinance.

Shall the above-described Charter Amendment be adopted?

Yes

No

19. MUNICIPAL MARINA

It is proposed that the City Charter be amended to provide that the City's municipal marina may not be sold, but that management, license or lease agreements may be entered into for the use or operation of the marina facilities for a term not to exceed fifty years.

Shall the above-described Charter Amendment be adopted?

Yes

No

20. CITY LEGAL DEPARTMENT

The current City Charter provides for the City Council to hire a City Attorney. It is proposed that the Charter be amended to expressly enable the City Council to hire a City Attorney anellor a law firm for the City.

Shall the above-described Charter Amendment be adopted?

Yes

No

B. That the form of ballot set forth above may be revised by City Council Resolution.

Section 4. Balloting.

A. That balloting shall be conducted on Tuesday, March 11, 2008, between the hours of 7:00A.M. and 7:00 P.M. at the regular polling places provided for City elections. Absentee balloting shall be available as authorized by law. Early voting pursuant to Sec. 101.657(1) (e), F.S., shall not be provided, unless

expressly authorized by City Council Resolution. All qualified City electors who are timely registered in accordance with law shall be entitled to vote.

B. That the City Clerk is authorized to obtain any necessary election administration services from the Palm Beach County Supervisor of Elections. The County registration books shall remain open at the Office of the County Supervisor of Elections until February 10, 2008, at which date the registration books shall close in accordance with the provisions of the general election laws. The City Clerk and the County Supervisor of Elections are hereby authorized to take all appropriate action necessary to carry into effect and accomplish the electoral provisions of this Ordinance. This special election shall be canvassed pursuant to City Code Section 5-13, unless otherwise provided by law.

C. That the City Clerk is hereby authorized to take any action which is necessary or expedient to implement this section or to comply with any applicable law.

Section 5. Notice of Election. That notice of said election shall be published in accordance with Section 100.342, Fla. Stat., in a newspaper of general circulation within the City at least 30 days prior to said election, the first publication to be in the fifth week prior to the election (to-wit: during the week commencing Sunday, February 3, 2008), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, February 17, 2008), and shall be in substantially the following form:

#### II NOTICE OF SPECIAL ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO ORDINANCE NO. 3037 ADOPTED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA (THE "CITY")

A SPECIAL ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE CITY ON TUESDAY, THE 11TH DAY OF MARCH, 2008, BETWEEN THE HOURS OF 7:00A.M. AND 7:00 P.M., IN CONJUNCTION WITH THE REGULAR CITY COUNCIL ELECTION, AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSALS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY FOR APPROVAL OR REJECTION.

Those certain 20 proposed amendments to the City Charter, which proposals are commonly referred to by the following ballot titles:

1. Creation of New Charter
2. Number of Electors Required for Petitioners' Committee in Initiative and Referendum' Process
3. Compensation for Mayor And Council Persons
4. City Planning Board, Zoning Board Of Appeals, Platting Board to be Provided for by Ordinance
5. Amendment of Term of Office of Mayor, Councilpersons from 2 Year to 3 Year Term
6. City Departments to be Provided by Ordinance, Not Referenced in Charter
7. Legislative Staff
8. Competitive Bidding Process
9. Forfeiture of Office
10. Authority to Revise Qualifying Period
11. Authority of Council Chairperson
12. Repeal of Authority of the Mayor to Suspend City Officers or Employees
13. City Manager Residency Requirement
14. Major Disaster Fund
15. Limitation upon Special Assessments
16. Readoption of Restrictions on Sale and Use of Beach Property Owned by the City
17. Candidate Residency Requirement
18. City Manager's Authority
19. Municipal Marina
20. City Legal Department

The full text of the proposed City Charter Amendments is available at the office of the City Clerk located at 600 West Blue Heron Boulevard, Riviera Beach, Florida 33404

"  
\_\_\_\_\_  
City Clerk

Section 6. Copies. That copies of this Ordinance proposing the Charter Amendments are on file at the offices of the City Clerk located at 600 West Blue Heron Boulevard, Riviera Beach, Florida 33404 and are available for public inspection during regular business hours.

Section 7. Effectiveness.

- A. That the Charter Amendments provided for in Section 1 above shall become effective if the majority of the qualified electors voting on the specific Charter Amendment (as presented by the ballot measures set forth in Section 3) vote for its adoption, and it shall be considered adopted and effective upon certification of the election results.
- B. That following adoption of the Charter Amendments, the City Clerk shall incorporate the adopted Charter Amendments into the City Charter and shall file the revised City Charter with the Florida Department of State as provided by Section 166.031, Florida Statutes.
- C. That the City Attorney is authorized to revise the Charter to the extent necessary to assure that any amendments adopted conform to one another and are properly included in the publication of the revised City Charter. Further, that in the event that some, but not all, of the Charter amendments are approved by the electors, conforming amendments shall be deemed to be adopted and the City Attorney is authorized to reflect and implement such revisions of the Charter, including the revision of transitional provisions, to the extent necessary to assure that all amendments adopted conform to one another and to all remaining Charter provisions. If conflicting Charter amendments are

adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 8. Inclusion In The Charter. That subject to the requirements of Section 7 above, it is the intention of the City Council and it is hereby provided that the Charter Amendments shall become and be made a part of the Charter of the City of Riviera Beach; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention.

Section 9. Severability. That 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 they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part. .

Section 10. Conflicts. That in the event that the provisions of this ordinance conflict with any other City ordinance, the provisions of this ordinance shall prevail to the extent of any such conflict.

Section 11. Effective Date of Ordinance. That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED and APPROVED on first reading this 16th day of January, 2008.

PASSED and ADOPTED on second and final reading this 6th day of February, 2008.

APPROVED:

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THOMAS A MASTERS  
MAYOR

---

SHELBY L. LOWE  
CHAIRPERSON

ATTEST:

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

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

\_\_\_\_\_  
NORMA DUNCOMBE  
COUNCILPERSON

\_\_\_\_\_  
CEDRICK THOMAS  
COUNCILPERSON

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

1<sup>ST</sup> READING

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

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

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

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

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

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

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

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

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

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

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

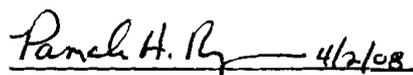
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J.JACKSON \_\_\_\_\_

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

Reviewed as to Legal Sufficiency

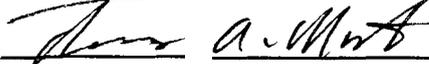
  
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PAMALA H. RYAN, CITY ATTORNEY

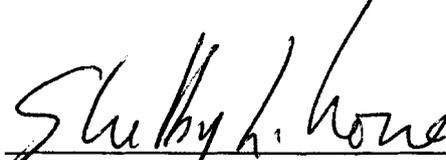
DATE: \_\_\_\_\_

\_\_\_\_\_  
David M. Wolpin  
Special Legal Counsel to Charter Review Board

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APPROVED:

  
THOMAS A. MASTERS  
MAYOR

  
SHELBY L. LOWE  
CHAIRPERSON

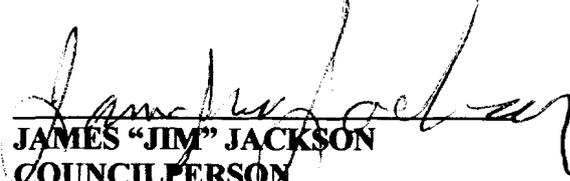
AITEST:

  
C. E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
LYNNE L. HUBBARD  
CHAIR PRO TEM

  
NORMA DUNCOMBE  
COUNCILPERSON

  
CEDRICK THOMAS  
COUNCILPERSON

  
JAMES "JIM" JACKSON  
COUNCILPERSON

**ORDINANCE NO. 3038**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY FLORIDA, AMENDING CHAPTER 17.5, ENTITLED "SOLID WASTE MANAGEMENT" OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 17.5-5 "DEFINITIONS" AND CREATING A NEW SECTION 17.5-60 TO BE ENTITLED "ROLL-OFF ENFORCEMENT"; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 17.5, entitled "Solid Waste Management" of the City of Riviera Beach Code of Ordinances and Florida Statutes, Chapter 403.706, authorize the City to be responsible for the collection and transportation of solid waste from the City to a solid waste facility operated by the county; and

**WHEREAS**, Section 17.5-3 of the City of Riviera Beach Code of Ordinances and Florida Statutes, Section 403.706(3), specifically authorize the City to contract private persons for any or all services or programs in order to assure that such services are provided on a cost effective basis; and

**WHEREAS**, the City enters into Solid Waste and Recycling Collection Franchise Agreements with Contractors to provide the most cost effective services pertaining to the collection and transportation of the solid waste from the City, including the exclusive right to provide roll-off services to dispose of all solid waste generated by residential, commercial or industrial units located in the City; and

**WHEREAS**, the City finds that having such an exclusive agreement is in the best interest of the City and its residents; and

**WHEREAS**, the City finds it in the best interest of the City to provide roll-off enforcement to ensure that there is compliance with the City and its Contractor.

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

**SECTION 1.** Chapter 17.5, entitled "Solid Waste Management" of the City of Riviera Beach Code of Ordinances is hereby amended by amending section 17.5-5 entitled, "Definitions" as follows:

**Section 17.5-5. Definitions.**

\* \* \*

Roll-off: Shall mean a container that is designed to be loaded onto a motor vehicle and transported to a disposal facility for dumping.

SECTION 2. Chapter 17.5, entitled "Solid Waste Management" of the City of Riviera Beach Code of Ordinances is hereby amended by creating a new section 17.5-60 as follows:

Section 17.5-60. Roll-Off Enforcement.

- (1) The City may from time to time enter into an agreement with an authorized Contractor to provide either the exclusive or non-exclusive rights for roll-off services to dispose of all solid waste including construction debris and demolition debris from or generated by residential, commercial or industrial units in the City. "Solid waste from or generated by residential, commercial or industrial units" under this section shall include:
  - a. Solid waste from or generated by business establishments, churches, schools, office buildings, hotels, motels and other non-residential establishments;
  - b. Solid waste from or generated by a multiple-dwelling unit consisting of a building containing four (4) or more permanent living units which utilizes a dumpster for collection of its other solid waste; and
  - c. Solid waste from or generated by a construction or demolition project except when an authorized demolition contractor is utilized as stated in section 17.5-15(b) of this Code.
- (2) It shall be unlawful for any builder, contractor, entity, company, property owner or person (collectively referred to as "person" in this section) to collect or haul solid waste from or generated by a residential, commercial or industrial unit within the City using roll-off services, including roll-off containers, unless such roll-off services are provided by the City's authorized Contractor.
- (3) Whenever a person holding a building permit collects or hauls solid waste from or generated by a residential, commercial or industrial unit by using roll-off services not provided by the authorized Contractor, a violation of this Code shall occur. The City shall notify the person holding the building permit to cure such violation within five (5) days of the notification. The City's Building Division will "red tag" or suspend further inspections until the person holding the building permit comes into compliance. If said violation is not cured, the City may bring such matter before a Special Magistrate, may prosecute the code violation in county court, by injunction, or by any other lawful means. Each collection and hauling by such person shall constitute a separate and independent violation. The City fine for each violation shall be two hundred fifty dollars (\$250.00) but total fines shall not exceed five hundred dollars (\$500.00) daily.

- (4) In instances where a building permit is not needed, and a person collects or hauls solid waste from or generated by a residential, commercial or industrial unit by using roll-off services not provided by the authorized Contractor, a violation of this Code shall occur. The City shall notify the person to cure such violation within five (5) days of the notification. If said violation is not cured, the code violation may be prosecuted by code enforcement as provided by Florida State Statute Chapter 162 and/or City Code, in county court, by injunction, or by any other lawful means. Each collection and hauling by such person shall constitute a separate and independent violation. The City fine for each violation shall be two hundred fifty dollars (\$250.00) but total fines shall not exceed five-hundred dollars (\$500.00) daily.
- (5) Exemptions. The following shall be exempt from the provisions of this section.
- (a) Roll-off services being utilized to collect and haul solid waste from or generated by property owners having single-family homestead residences.
  - (b) Property owners who own their roll-off(s) prior to the effective date of this ordinance and who can verify by affidavit and copies of disposal tickets that the solid waste is being disposed of in a regulated facility.
  - (c) If the authorized Contractor does not have roll-off(s) available, the City will allow the person requesting such roll-off(s) to use a separate roll-off collection service and said requesting person will not be subject to enforcement action provided herein if the following factual circumstances exist:
    - 1. The authorized Contractor shall have seventy-two (72) hours to provide the roll-off(s) after a request from a person. The seventy-two (72) hours shall not run on Sundays or legal holidays. Except, however, the authorized Contractor shall have an additional forty-eight (48) hours for a total of 120 hours to provide the roll-off(s) any time that a natural disaster, severe inclement weather or any other causes that is beyond the reasonable control of the authorized Contractor and which prevents the provision of said roll-off(s).
    - 2. If the authorized Contractor cannot provide the roll-off(s) within such seventy-two (72) hour period after a request, the requesting person may utilize a separate roll-off collection service to provide such service during the period the authorized Contractor is unable to provide the roll-off(s).
    - 3. At such time as the authorized Contractor regains its ability to provide roll-off(s), the requesting person shall cease utilizing the separate roll-off collection service; provided, however, that any

ORDINANCE NO.: 3038

**PAGE NO.4**

roll-off(s) that is on the requesting person's site at the time the authorized Contractor regains its ability to provide roll-off(s) may continue to be utilized until such time as it has reached capacity or is removed from the site, whichever occurs first.

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

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

SECTION 7. This ordinance shall be in full force and effect immediately upon its final passage and adoption.

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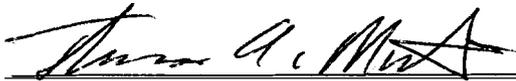
ORDINANCE NO. 3038

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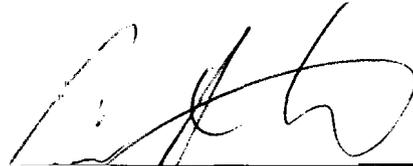
PASSED AND APPROVED on the first reading this 20th day of February 2008

PASSED AND ADOPTED on second and final reading this 2nd day of April, 2008.

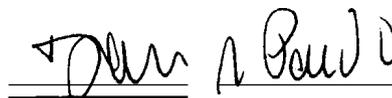
APPROVED:



THOMAS A. MASTERS, MAYOR



(MUNICIPAL SEAL)



DAWN S. PARDO  
CHAIR PRO TEM

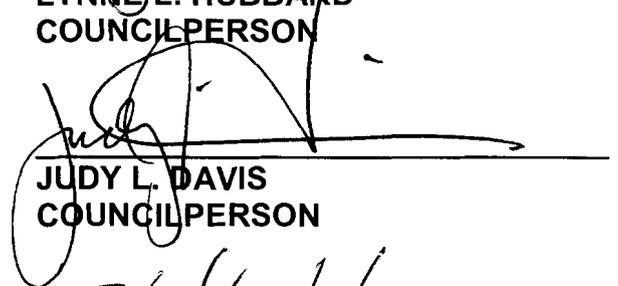
ATTEST:



LYNNE L. HUBBARD  
COUNCILPERSON



CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK



JUDY L. DAVIS  
COUNCILPERSON



SHELBY L. LOWE  
COUNCILPERSON

1ST READING

MOTIONED BY: James Jackson

SECONDED BY: Norma Duncombe

S. LOWE                    aye  
L. HUBBARD                aye  
N. DUMCOMBE             aye  
C. THOMAS                nay  
J. JACKSON                aye

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

MOTIONED BY: Judy Davis

SECONDED BY: Dawn Pardo

C. THOMAS                aye  
D. PARDO                 aye  
L. HUBBARD               aye  
J. DAVIS                   aye  
S. LOWE                   aye

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ryan  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 3/26/08

**ORDINANCE 3039**  
**(Blank)**

ORDINANCE NO. 3040

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP LAND USE DESIGNATION FROM COMMERCIAL TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (UP TO 15 UNITS PER ACRE) FOR 1.79 ACRES LOCATED AT THE NORTHEAST CORNER OF WEST 13<sup>th</sup> STREET AND NORTH CONGRESS AVENUE; 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, Section 163.3187(1)(c) provides the requirements for adoption of small scale amendments to the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the subject property is currently assigned a Comprehensive Plan Future Land Use Map Designation of Commercial and is being amended to a Comprehensive Plan Future Land Use Map Designation of Medium Density Multiple Family Residential (Up to 15 units per acre); and

WHEREAS, on February 14, 2008, the Planning and Zoning Board reviewed the proposed change from a Commercial Future Land Use Map Designation, to Medium Density Multiple Family Residential (Up to 15 units per acre) Future Land Use Map Designation, and forwarded a recommendation of approval to the City Council; and

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

SECTION 1. Pursuant to Florida Statutes, the City of Riviera Beach, Florida, Comprehensive Plan Future Land Use Map is hereby amended in accordance with Section 163.3187(1)(c) for small scale amendments for the subject property as described below:

Petitioner: True Faith Church of God and Christ  
1888 West 13<sup>th</sup> Street  
PCN: 56-43-42-31-25-000-0020  
56-43-42-31-25-000-0030

LEGAL DESCRIPTION

LOTS 2 AND 3 OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.  
CONTAINING: 1.79 ACRES, MORE OR LESS.

**ORDINANCE NO.**    3040

**PAGE** 2

**SECTION 2.** That the Director of Community Development is hereby authorized and directed to update the City's Future Land Use Map from Commercial to Medium Density Multiple Family Residential (Up to 15 units per acre).

**SECTION 3.** Should any word, phrase, clause, subsection, section, 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 that the part declared to be invalid.

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

**SECTION 5.** That the effective date of this small scale plan amendment shall be 31 days after adoption, or if the amendment is challenged, the effective date will not be until the State Land Planning Agency of the Administration Commission issues a final order determining that the adopted small scale amendment is in compliance.

**PASSED AND APPROVED** on the first reading this 19<sup>TH</sup> day of MARCH 2008.

**PASSED AND ADOPTED** on second and final reading this 2<sup>ND</sup> day of APRIL 2008.

\*\*\*\*\*THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK\*\*\*\*\*

APPROVED:

Thomas A. Masters  
THOMAS A. MASTERS  
MAYOR

[Signature]  
CHAIRPERSON

ATTEST:

[Signature]  
CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK

[Signature]  
CHAIR PRO TEM

[Signature]  
COUNCILPERSON

\_\_\_\_\_  
COUNCILPERSON

[Signature]  
COUNCILPERSON

MOTIONED BY: LYNNE HUBBARD

MOTIONED BY: DAWN S. PARDO

SECONDED BY: JUDY DAVIS

SECONDED BY: LYNNE HUBBARD

1<sup>ST</sup> READING

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

S. LOWE	AYE	_____
L. HUBBARD	A_YE	_____
• PARDO	AYE	_____
<b>C.</b> THOMAS	AYE	_____
J. DAVIS	AYE	_____

_____	AYE
_____	<b>AYE</b>
_____	AYE
_____	AYE
_____	AYE

CERTIFICATION OF PUBLICATION

I hereby certify that the 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.



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

4/2/2008  
**Date**

STAFF REPORT  
Case No. LU-07-01  
CITY OF RIVIERA BEACH

MARCH 7, 2008

AN APPLICATION REQUESTING A SMALL SCALE FUTURE LAND USE CHANGE FOR THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF WEST 13<sup>th</sup> STREET AND NORTH CONGRESS AVENUE.

---

- A. Applicant: The applicant is True Faith Church of God and Christ.
- B. Request: The applicant is requesting a land use change from Commercial to Multiple Family Residential (up to 15 units/ac).
- C. Location: The proposed location is on the northeast corner of North Congress Avenue and West 13<sup>th</sup> Street at 1888 West 13<sup>th</sup> Street (see attached map).
- D. Property Description and Uses: The subject property description and uses are as follows:

Size: 1.79 acres

Existing Use: Vacant

Future Land Use: Commercial District

Zoning: General Commercial District (CG)

- E. Adjacent Property Description and Uses:

North: Commercial/Residential (CG / RM-15 Multi-family Dwelling District)

South: Residential (RS-6 Single Family Dwelling District)

East: Residential (RS-6 Single Family Dwelling District)  
(Proposed future location of Suncoast High School)

West: Multi-family (RM-15 Multi-family Dwelling District)

- F. Background:

True Faith Church of God and Christ, currently located at 1700 West 18<sup>th</sup> Street, is being displaced by the construction of the new Suncoast High School. Since the church has been located at this site for approximately 25 years, it is a top priority to find a suitable site in close proximity to its original

---

location. In order to use the currently selected site as a church, the future land use must be changed from Commercial to Medium Density Multiple Family Residential (up to 15 units/ac). Then the property must be rezoned from General Commercial District (CG) to Multi-Family Dwelling District (RM-15). Finally, a special exception is required to operate a church on this newly rezoned land in the RM-15 zoning district.

#### G. Staff Analysis:

**Proposed Use:** The proposed use (church) is allowable in RM-15 zoning as a special exception.

**Zoning Regulations:** This proposed development would comply with the City's Land Development Regulations if rezoning occurred from CG to RM-15.

**Comprehensive Plan:** The proposed use would be consistent with the Comprehensive Plan after changing the land use from Commercial to Medium Density Multi-Family Residential. This proposed land use of Multi-family Residential is compatible and consistent with the surrounding area.

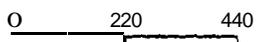
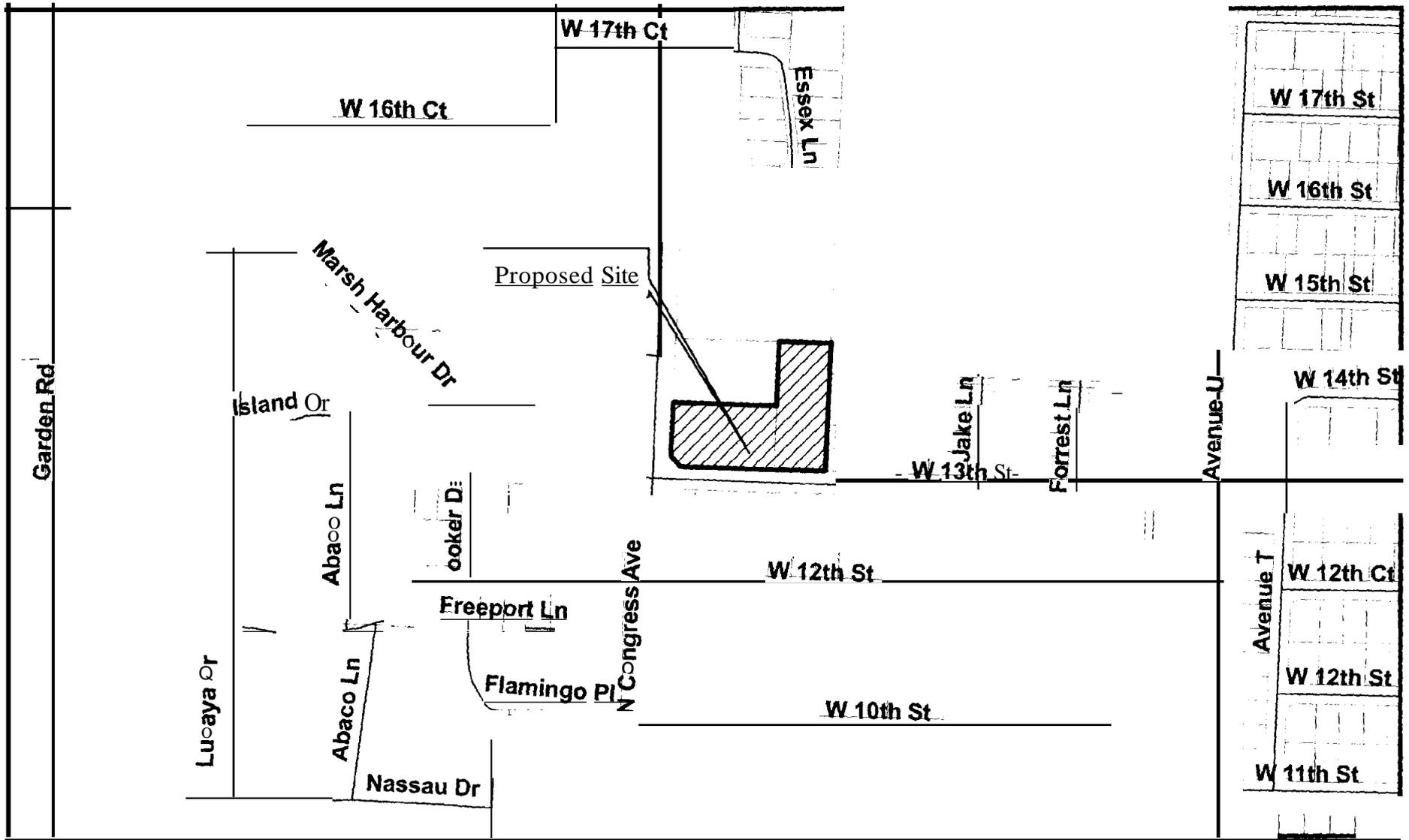
**Compatibility:** The proposed project is compatible with the surrounding development and includes adequate landscape buffering.

**Levels of Service:** City services such as roads, water, sewer, and garbage collection are currently available to the site.

**Landscaping:** The proposed landscape plan is consistent and compatible with the City's Land Development Code.

**Parking/Traffic:** Adequate parking is provided according to the Land Development Code.

#### H. Recommendation: Staff recommends approval of the land use change, from Commercial to Medium Density Multiple Family Residential (up to 15 units/ac).



BBOFeel

- Roads2007
- Subject Parcels
- Parcels



## True Faith Church of God and Christ, 1888 W. 13th Street

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**PALM BEACH NEWSPAPERS, INC.**

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[legals @ pbpost.com](mailto:legals@pbpost.com)

Legal Advertising Invoice

Account #	413479	Advertising Deadlines	
Ad #	2398543	Publish	Deadline
Description:	Not: Ordinance 3040	Monday	Friday 3PM
Size:	7"	Tuesday	Friday 3PM
Amount:	\$19B.52	Wednesday	Monday 3PM
Published:	March 23. 200B	Thursday	Monday 3PM
		Friday	Wednesday 3PM
		Saturday	Thursday 3PM
		Sunday	Thursday 3PM

**City of Riviera Beach**  
**Michele, AIP**  
**PO Box 10682**  
**Riviera Beach, FL 33419-0682**

ORDINANCE NO. 3041

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 MULTIPLE FAMILY DWELLING "RM-15" DISTRICT FROM GENERAL COMMERCIAL "CG" DISTRICT ON 1.79 ACRES LOCATED AT THE NORTHEAST CORNER OF WEST 13<sup>th</sup> STREET AND NORTH CONGRESS AVENUE; 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 General Commercial "CG" Zoning District; and

WHEREAS, on February 14, 2008, the Planning and Zoning Board reviewed the proposed zoning change from General Commercial "CG" zoning classification, to Multiple Family Dwelling "RM-15" District zoning classification, and forwarded a recommendation to the City Council; and

WHEREAS, the proposed zoning classification for the subject property was reviewed for consistency with the City of Riviera Beach Comprehensive Plan Future Land Use Map and was found to be consistent by the Planning and Zoning Board; and

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

SECTION 1. The City of Riviera Beach Zoning Map is hereby amended to assign a Multiple Family Dwelling "RM-15" District zoning classification to property described below:

Petitioner: True Faith Church of God and Christ  
1888 West 13<sup>th</sup> Street  
PCN: 56-43-42-31-25-000-0020  
56-43-42-31-25-000-0030

LEGAL DESCRIPTION

LOTS 2 AND 3 OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 42 EAST,  
PALM BEACH COUNTY, FLORIDA.  
CONTAINING: 1.79 ACRES, MORE OR LESS.

ORDINANCE NO. 3041

PAGE 2

SECTION 2. If any word, phrase, clause, subsection or section of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any remaining portions of this Ordinance.

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

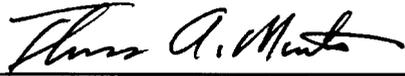
SECTION 5. That the effective date of this zoning change shall be 31 days after adoption, or if the zoning change is challenged the effective date will not be until a final order determining that the land use amendment is in compliance.

PASSED AND APPROVED on the first reading this 19TH day of  
~~MARCH~~ MARCH 2008.

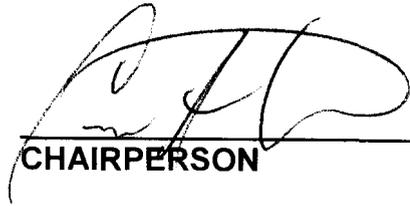
PASSED AND ADOPTED on second and final reading this 2<sup>nd</sup> day of  
APRIL 2008.

\*\*\*\*\*THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK\*\*\*\*\*

APPROVED:



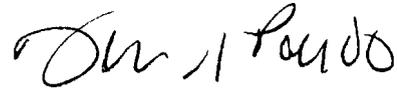
THOMAS A. MASTERS  
MAYOR

  
CHAIRPERSON

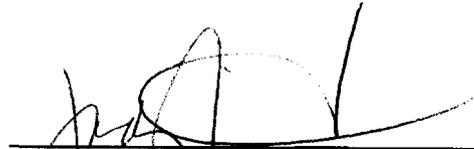
ATTEST:



CARRIE E. WARD  
MASTER MUNICIPAL CLERK  
CITY CLERK



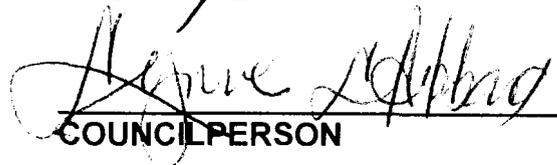
CHAIR PRO TEM



COUNCILPERSON



COUNCILPERSON



COUNCILPERSON

MOTIONED BY: J. DAVIS

MOTIONED BY: JUDY DAVIS

SECONDED BY: L. HUBBARD

SECONDED BY: LYNNE BIJBRAED

1<sup>ST</sup> READING

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

S. LOWE	<u>AYE</u>	—
L. HUBBARD	<u>AYE</u>	—
D. PARDO	<u>AYE</u>	—
C. THOMAS	<u>AYE</u>	—
J. DAVIS	<u>AYE</u>	—

<u>AYE</u>	—

CERTIFICATION OF PUBLICATION

I hereby certify that the 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.



Carrie E. Ward  
Master Municipal Clerk  
City Clerk

4/2/2018  
Date 1

STAFF REPORT  
Case No. RZ-07-01  
CITY OF RIVIERA BEACH

MARCH 7, 2008

AN APPLICATION REQUESTING A ZONING CLASSIFICATION CHANGE OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF WEST 13<sup>TH</sup> STREET AND NORTH CONGRESS AVENUE.

---

- A. Applicant: The applicant is True Faith Church of God and Christ.
- B. Request: The applicant is requesting a zoning change is from General Commercial (CG) District to Multi-family Residential (RM-15).
- C. Location: The proposed location is on the northeast corner of North Congress Avenue and West 13<sup>th</sup> Street at 1888 West 13<sup>th</sup> Street (see attached map).
- D. Property Description and Uses: The subject property description and uses are as follows:

Size: 1.79 acres

Existing Use: Vacant

Future Land Use: Commercial District

Zoning: General Commercial District (CG)

- E. Adjacent Property Description and Uses:

North: Commercial! Residential (CG! RM-15 Multi-family Dwelling District)

South: Residential (RS-6 Single Family Dwelling District)

East: Residential (RS-6 Single Family Dwelling District)  
(Proposed future location of Suncoast High School)

West: Multi-family (RM-15 Multi-family Dwelling District)

- F. Background:

True Faith Church of God and Christ, currently located at 1700 West 18<sup>th</sup> Street, is being displaced by the construction of the new Suncoast High School. Since the church has been located at this site for approximately 25 years, it is a top priority to find a suitable site in close proximity to its original

location. In order to use the currently selected site as a church, the future land use must be changed from Commercial to Medium Density Multiple Family Residential (up to 15 units/ac). Then the property must be rezoned from General Commercial District (CG) to Multi-Family Dwelling District (RM-15). Finally, a special exception is required to operate a church on this newly rezoned land in the RM-15 zoning district.

#### G. Staff Analysis:

**Proposed Use:** The proposed use (church) is allowable in RM-15 zoning as a special exception.

**Zoning Regulations:** This proposed development would comply with the City's Land Development Regulations if rezoning occurred from CG to RM-15.

**Comprehensive Plan:** The proposed use would be consistent with the Comprehensive Plan after changing the land use from Commercial to Medium Density Multi-Family Residential. This proposed land use of Multi-family Residential is compatible and consistent with the surrounding area.

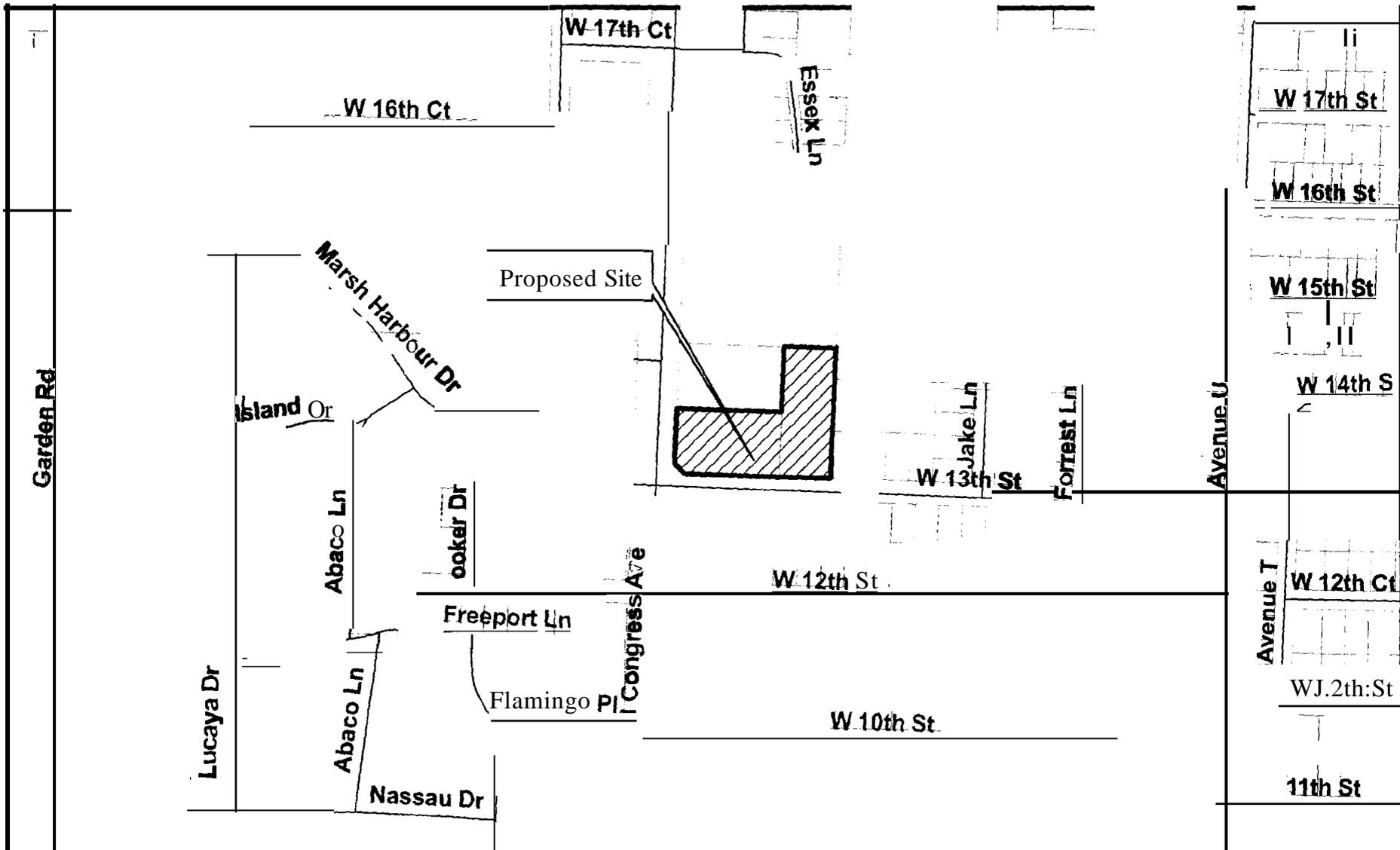
**Compatibility:** The proposed project is compatible with the surrounding development and includes adequate landscape buffering.

**Levels of Service:** City services such as roads, water, sewer, and garbage collection are currently available to the site.

**Landscaping:** The proposed landscape plan is consistent and compatible with the City's Land Development Code.

**Parking/Traffic:** Adequate parking is provided according to the Land Development Code.

**H. Recommendation:** Staff recommends rezoning this parcel from General Commercial District (CG) to Multi-Family Dwelling District (RM-15).



0 220

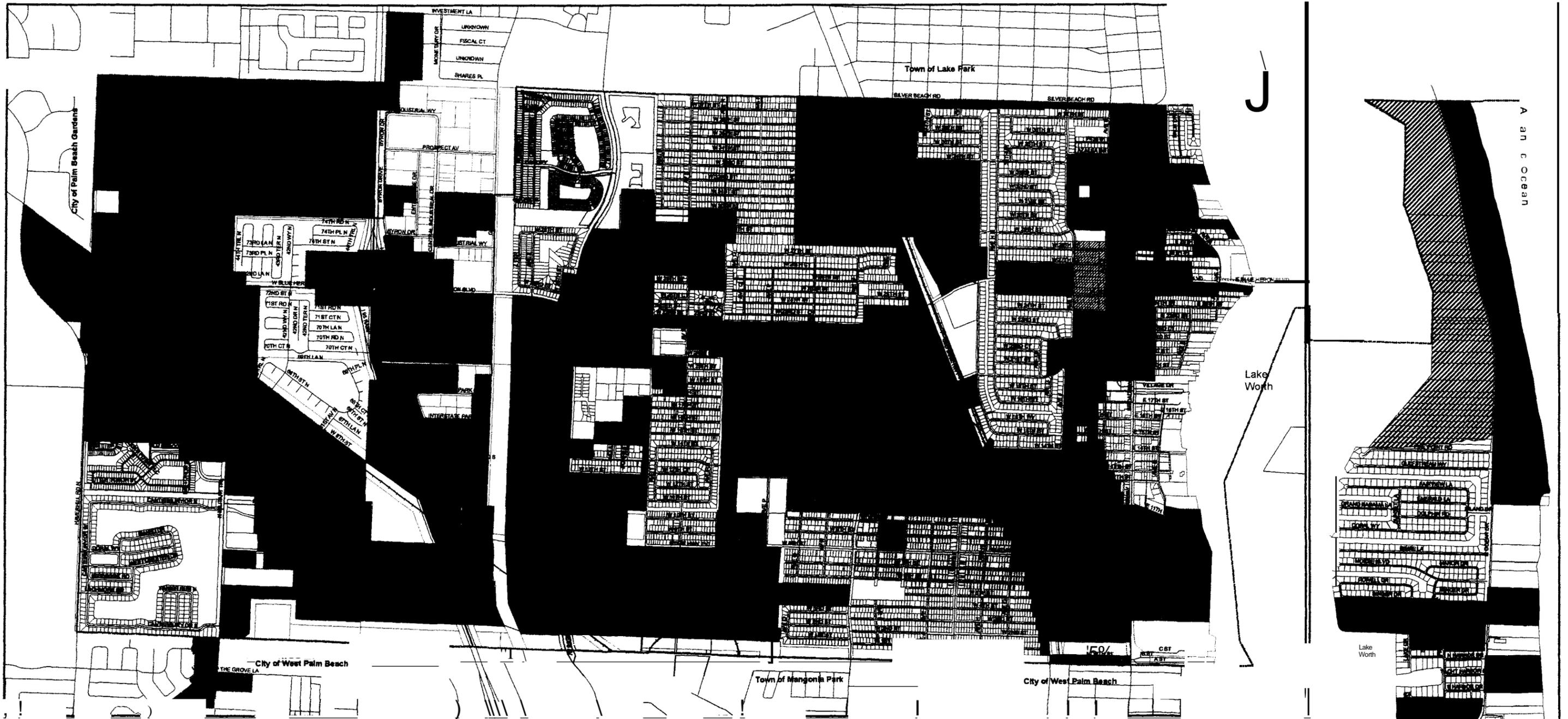
- Roads2007
-  Subject Parcels
-  Parcels

# True Faith Church of God and Christ, 1888 W. 13th Street

Data and Map Disclaimer: The Data is provided as is without warranty of any kind, including accuracy, completeness, timeliness, or suitability for any purpose. The City of Riviera Beach and Palm Beach County make no warranties, expressed or implied, as to the use of the Data. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and in a constant state of maintenance, correction, and update.

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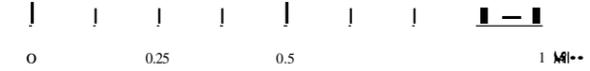
Revisions		
Date	Description	Ordinance
3/20/2002	Stipulated agreement	2914
8/21/2002	Annexation	2921
11/20/2002	Annexation	2932
12/18/2002	Land Use Change	2923
5/21/2003	Annexation	2943
7/2/2003	Annexation	2940
12/17/2003	Land Use Change	2952
1/7/2004	Annexation	2954
4/7/2004	Land Use Change	2965
10/16/2004	Annexation	2981
11/17/2004	Annexation	2982
12/21/2005	Land Use Change	2998
3/15/2006	Land Use Change	3005
6/7/2006	Land Use Change	3007

- Land Use Districts**
- Single Family Residential: Up to 6 dwelling units per acre
  - Annexed, FLU not yet assigned
  - Resort Hotel
  - 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

# City of Riviera Beach, Florida



## 2006 Future Landuse Map

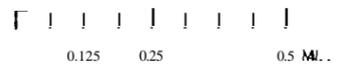


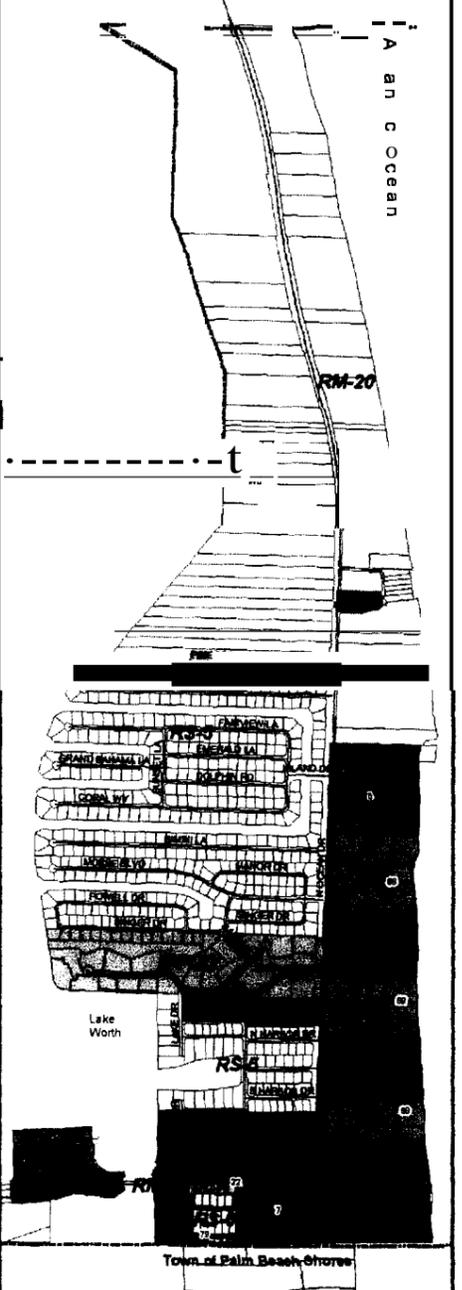
- Base Map Features**
- Municipal Boundary
  - Roads
  - Railroad Lines
  - Parcel Boundary

Map originally created in December 2002; updated on July 21, 2006 by the City of Riviera Beach Community Development Department.

Sources for zoning districts and A-1 zones in City of Riviera Beach Community Development Department. Sources for SFR and C-1 zones in Palm Beach County Municipal Ordinance 3-199-0001. The 2002 map was updated to reflect the City of Riviera Beach County Ordinance 2001. All other zoning and A-1 zones in Palm Beach County Ordinance 3-199-0001. All other zoning and A-1 zones in Palm Beach County Ordinance 3-199-0001. All other zoning and A-1 zones in Palm Beach County Ordinance 3-199-0001.

Map and Map Disclaimer: The Data is provided as is without warranty of any kind, accuracy, or completeness. The liability for determining accuracy, completeness, merchantability and fitness for use is on the user. There are no guarantees or warranties of any kind, accuracy, or completeness. The liability for determining accuracy, completeness, merchantability and fitness for use is on the user. There are no guarantees or warranties of any kind, accuracy, or completeness. The liability for determining accuracy, completeness, merchantability and fitness for use is on the user.

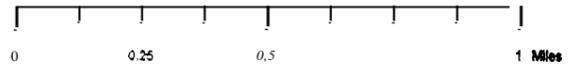




Year	Area	Area	Area	Area	Area
1982	39	2485	1990	76	2726
1983	4	2487	1991	78	2736
1984	41	2521	1992	70	2750
1985	43	25	1993	25	2750
1986	44	251	1994	11	2750
1987	45	251	1995	82	2750
1988	46	251	1996	86	2750
1989	47	251	1997	88	2750
1990	48	251	1998	85	2750
1991	49	251	1999	86	2750
1992	50	251	2000	87	2750
1993	51	251	2001	88	2750
1994	52	251	2002	89	2750
1995	53	251	2003	90	2750
1996	54	251	2004	91	2750
1997	55	251	2005	92	2750
1998	56	251	2006	93	2750
1999	57	251	2007	94	2750
2000	58	251	2008	95	2750
2001	59	251	2009	96	2750
2002	60	251	2010	97	2750
2003	61	251	2011	98	2750
2004	62	251	2012	99	2750
2005	63	251	2013	100	2750
2006	64	251	2014	101	2750
2007	65	251	2015	102	2750
2008	66	251	2016	103	2750
2009	67	251	2017	104	2750
2010	68	251	2018	105	2750
2011	69	251	2019	106	2750
2012	70	251	2020	107	2750
2013	71	251	2021	108	2750
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2016	74	251	2024	111	2750
2017	75	251	2025	112	2750
2018	76	251	2026	113	2750
2019	77	251	2027	114	2750
2020	78	251	2028	115	2750
2021	79	251	2029	116	2750
2022	80	251	2030	117	2750
2023	81	251	2031	118	2750
2024	82	251	2032	119	2750
2025	83	251	2033	120	2750
2026	84	251	2034	121	2750
2027	85	251	2035	122	2750
2028	86	251	2036	123	2750
2029	87	251	2037	124	2750
2030	88	251	2038	125	2750
2031	89	251	2039	126	2750
2032	90	251	2040	127	2750
2033	91	251	2041	128	2750
2034	92	251	2042	129	2750
2035	93	251	2043	130	2750
2036	94	251	2044	131	2750
2037	95	251	2045	132	2750
2038	96	251	2046	133	2750
2039	97	251	2047	134	2750
2040	98	251	2048	135	2750
2041	99	251	2049	136	2750
2042	100	251	2050	137	2750

- Zoning Districts**
- RS-8 Single Family Dwelling District
  - RM-12 Low Density Multiple Family Dwelling District
  - RM-15 Multiple Family Dwelling District
  - RM-20 High Density Multiple Family Dwelling District
  - RM-15 Multiple Family / Hotel District
  - RM-20 Multiple Family / Hotel District
  - CM Neighborhood Commercial District
  - OG General Commercial District
  - CM Marine Commercial District
  - R-PLD Residential Planned Unit Development (Special Exception)
  - C-PLD Commercial Planned Unit Development (Special Exception)
  - I-PLD Industrial Planned Unit Development (Special Exception)
  - IHC-PLD Inlet Harbor Center Planned Unit Development (Special Exception)
  - OP Office Professional District
  - TI Transitional Light Industrial District
  - IL Limited Industrial District
  - IO General Industrial District
  - RO Recreation and Open Space District
  - CF Community Facility District
  - U Utilities District
  - A Assigned Zoning Not Yet Assigned

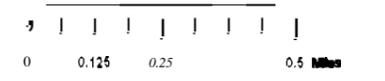
# City of Riviera Beach, Florida



- Base Map Features**
- Municipal Boundary
  - Roads
  - Railroad Lines
  - Parcel Boundary

Map originally created on December 2000, updated on July 21, 2006 by the City of Riviera Beach, Community Development Department. Source for Zoning Districts and Subdivisions: City of Riviera Beach Community Development Department. Source for Street Centerlines and Parcel: Palm Beach County Information Systems Services. The GIS Data used to create this map is property of Palm Beach County, Florida Copyright 2001. All rights reserved. Any use of Palm Beach County GIS Data is subject to a license agreement and the data may contain errors in the information shown on this map.

This map is provided as a reference only and does not constitute a warranty of accuracy, completeness or timeliness. The user assumes all responsibility for the use of this map. The City of Riviera Beach is not responsible for any errors or omissions in this map. The City of Riviera Beach is not responsible for any errors or omissions in this map. The City of Riviera Beach is not responsible for any errors or omissions in this map.



ORDINANCE NO:   3042        

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING A ZONING IN PROGRESS FOR A PERIOD OF SIX (6) MONTHS FOR THE CITY TO DEVELOP REGULATIONS FOR SCRAP METAL PROCESSING FACILITIES AND RECYCLING FACILITIES IN CONFORMANCE WITH THE LAND DEVELOPMENT CODE AND THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY AND CONFLICTS AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Riviera Beach is committed to protecting the health, safety and general welfare of its residents; and

**WHEREAS**, the Land Development Code for the City of Riviera Beach allows the operation of scrap metal processing facilities by Special Exception in General Industrial (IG) Zoning District; and

**WHEREAS**, the Land Development Code does not provide specific development regulations for scrap metal processing facilities and recycling facilities; and

**WHEREAS**, the City recognizes the need to develop specific regulations for scrap metal processing facilities and recycling facilities to ensure their compatibility with the Comprehensive Plan and the Land Development Code and to insure the continued protection of the health, safety and welfare of the residents of the City; and

**WHEREAS**, staff is in the process of preparing proposed zoning and land development regulations to specifically address scrap metal processing facilities and recycling facilities; and

**WHEREAS**, in order to suspend any applications for these types of facilities while regulations are being prepared by the City, it is necessary to provide for a zoning in progress for a period of six (6) months through November 30, 2008, which prevents the issuance of development approvals, including building permits and business licenses for properties seeking to be developed into scrap metal processing facilities or recycling facilities; and

**WHEREAS**, the City of Riviera Beach advertised this ordinance in the Palm Beach Post Newspaper, which is a newspaper of general circulation in the City of Riviera Beach.

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. This Zoning In Progress shall be applicable to all properties located within the General Industrial (IG) Zoning Districts indicated in Exhibit "A" of this Ordinance.

SECTION 3. As to any property located in the General Industrial (IG) Zoning District, there is hereby declared and recognized to be a Zoning in Progress for a period of six (6) months from adoption by City Council, which prevents the issuance of development approvals, including building permits and business licenses for properties seeking to be developed into scrap metal processing facilities and/or recycling facilities.

SECTION 4. Should anyone or more of the provision 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 5. All Ordinances or parts of Ordinances in conflict are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED AND APPROVED on the first reading this 21 day of May 2008.

PASSED AND ADOPTED on second and final reading this 4TH day of JUNE 2008.

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ORDINANCE NO. 3042

PAGE 3

APPROVED:

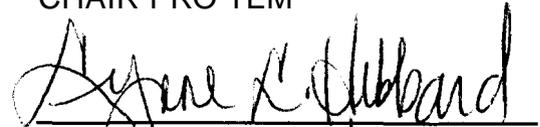
  
\_\_\_\_\_  
**THOMAS A. MASTERS**  
MAYOR

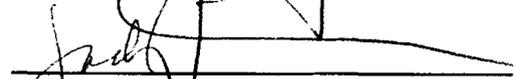
  
\_\_\_\_\_  
**CEDRICK A. THOMAS**  
CHAIRPERSON

ATTEST:

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

  
\_\_\_\_\_  
DAWN S. PARDO  
CHAIR PRO TEM

  
\_\_\_\_\_  
**LYNNE L. HUBBARD**  
COUNCILPERSON

  
\_\_\_\_\_  
JUDY L. DAVIS  
COUNCILPERSON

  
\_\_\_\_\_  
**SHELBY L. LOWE**  
COUNCILPERSON

ORDINANCE NO. 3042  
PAGE 4

1<sup>ST</sup> READING

MOTIONED BY: Jans

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

C. THOMAS

Aye

D. PARDO

Aye

L. HUBBARD

Aye

J. DAVIS

Aye

S. LOWE

Aye

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

MOTIONED BY: J. DAVIS \_\_\_\_\_

SECONDED BY: D. PARDO \_\_\_\_\_

C. THOMAS

AYE

D. PARDO

AYE

L. HUBBARD

AYE

L. HUBBARD

AYE

S. LOWE

AYE

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: \_\_\_\_\_

ORDINANCE NO. 3043

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY FLORIDA, AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS" BY ADDING A SECTION UNDER ARTICLE I ENTITLED "WEARING OF PANTS BELOW THE WAIST IN PUBLIC"; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 12 of the Code of Ordinances entitled "Offenses and Miscellaneous Provisions" is hereby amended by adding a new section entitled "Wearing of Pants Below the Waist in Public" under "Article I - In General" as follows:

Wearing of Pants Below the Waist in Public

- (a) It shall be unlawful for any person to appear in public or in view of the public, wearing pants below the waist which expose the skin or undergarments.
- (b) Any person convicted of violating the provisions of this section shall be punished by a fine of \$150.00 or shall be given community service to perform.
- (c) Any person convicted of a second or subsequent offense of violating the provisions of this section shall be punished by a fine of \$30000.
- (d) Any person who fails to pay a fine or complete community service as set forth herein may be imprisoned for a term not exceeding sixty (60) days.

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.

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

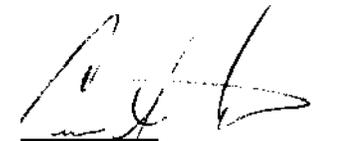
**SECTION 4.** That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

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

**SECTION 6.** This ordinance was effected as a result of the March 11, 2008 Municipal Election.

APPROVED:

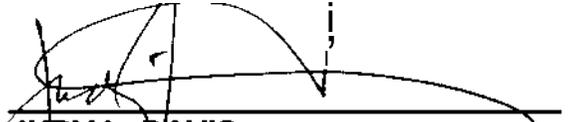
  
\_\_\_\_\_  
**THOMAS A. MASTERS**  
MAYOR

  
\_\_\_\_\_  
**CEDRIOK A. THOMAS**  
CHAIRPERSON

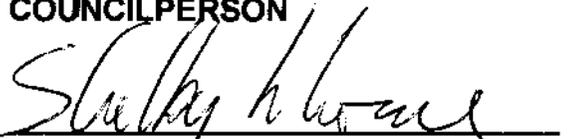
ATTEST:

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

  
\_\_\_\_\_  
**DAWN S. PARDO**  
CHAIR P TEM

  
\_\_\_\_\_  
**JUDY L. DAVIS**  
COUNCILPERSON

  
\_\_\_\_\_  
**LYNNE L. HUBBARD**  
COUNCILPERSON

  
\_\_\_\_\_  
**SHELBY L. LOWE**  
COUNCILPERSON

ORDINANCE NO. 3043  
PAGE 3

MOTIONED BY: J. Davis

SECONDED BY: L. Hubbard

C. THOMAS                    aye

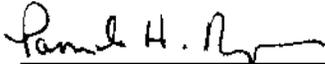
J. DAVIS                     aye

D. PARDO                   aye

L. HUBBARD                aye

S. LOWE                     aye

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 7/16/08