

ORDINANCE NO. 3057

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 14, ARTICLE III OF THE CITY'S CODE OF ORDINANCES RELATING TO THE RIVIERA BEACH MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND BY PROVIDING FOR A DEFERRED RETIREMENT OPTION PROGRAM (DROP); PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the Riviera Beach Municipal Firefighters' Pension Trust Fund has recommended and approved amendments to the existing Code to provide improved benefits for participants of the plan; and

WHEREAS, the Riviera Beach Municipal Firefighters' Pension Trust Fund's actuary has prepared a Statement of Actuarial Impact, which the City Council has received and considered; and

WHEREAS, the City Council deems it to be in the best interest of the City to provide a Deferred Retirement Option Program to the pension plan for its employees in the Firefighters Pension Trust Fund.

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

SECTION 1. That Article III, entitled "Firefighter's Pension Plan" of Chapter 14 of the City of Riviera Beach Code of Ordinances is hereby amended by creating a NEW section as follows:

Sec. 14-61. Deferred Retirement Option Program.

Deferred Retirement Option Program (DROP). In general, and subject to the provisions of this section, the Board of Trustees of the Riviera Beach Municipal Firefighters' Pension Trust Fund is authorized to establish and maintain a Deferred Retirement Option Program, hereinafter referred to as DROP. The DROP is a program under which an eligible member of the retirement system may elect to participate by deferring receipt of retirement benefits while continuing employment with the city. Upon entry into DROP a member's accrued vacation and sick leave balances not used in calculation of normal retirement benefits shall be carried forward and the DROP participant shall accrue additional vacation and sick leave during participation in DROP. However, any accrued vacation or sick leave balance at termination of the DROP period shall be forfeited. Upon termination of employment, the participant shall begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP.

- (1) Eligibility of member to participate in the DROP.

All retirement system members are eligible to elect participation in the DROP on or after attaining their normal retirement date or age provided that election to participate is made within five (5) years after the member first reaches his or her normal retirement date or age, except as provided for in subparagraphs (2)(A) or (2)(B) below. The member shall advise the city and the retirement system in writing at least thirty (30) days in advance of the date on which the DROP shall begin.

- (2) Participation in the DROP.

(A) An eligible member may elect to participate in the DROP for a period not to exceed a maximum of sixty (60) consecutive months nor beyond a total of thirty (30) years of credited service with the City. Any member who has exceeded the sixty (60) month or thirty (30) year limitations shall not be eligible to continue participation in the DROP.

(B) Any member who has more than twenty-five (25) years of credited service at the effective date of this Ordinance will have ninety (90) days to make an election to participate in the DROP. If such member makes such an election within the ninety (90) day period the member will be permitted to remain in the DROP for the entire sixty (60) months, regardless of years of service. Any member with more than twenty-five (25) years of service who does not make an election within the ninety (90) day period may do so at a later date, however, the member's DROP will be limited to the period remaining until their thirtieth (30th) year.

(C) Upon deciding to participate in the DROP, the member shall submit on forms required by the retirement system:

(i) A written election to participate in the DROP.

(ii) Selection of the DROP participation and termination dates, which satisfy the limitations

stated in paragraph (1) and subparagraphs (2)(A) or (2)(B). Such termination date shall be in an irrevocable and binding letter of resignation with the city, establishing a deferred termination date. The member may terminate before the termination date within the limitations of subparagraphs (2)(A) or (2)(B), but only with not less than thirty (30) days advance written notice to the city from the new termination date.

- (iii) A properly completed DROP application for service retirement as provided in this section.
 - (iv) A written election of form of pension payment.
 - (v) Any other information required by the Pension Trust Fund's Board of Trustees.
- (D) The DROP participant shall be retired under the Pension Trust Fund for all purposes except that payment of benefits shall be deferred until separation from city employment.
- (E) A re-employed DROP participant with renewed membership shall not be eligible for DROP participation.
- (3) Benefits payable under the DROP.
- The DROP account shall, unless a member elects a self-directed DROP, earn interest at a rate set quarterly by the Board of Trustees. Such interest shall be equal to the system's net rate of investment return for the year and shall be credited to each individual account balance on a quarterly basis. Members selecting a self-directed DROP shall select from one or more providers selected by the Board of Trustees and shall be subject to all fees provided in such self-directed DROP. Self-directed investments shall be invested as permitted in the self-directed DROP agreement.
- (A) Effective with the date of DROP participation, the member's initial normal monthly benefit, including the value of accrued unused leave (per city policy as amended from time to time), credited service, and final average compensation, shall be fixed. The value of

accrued unused leave, whether or not payment for such is actually received by the participant, shall be included in the calculations to determine said normal monthly benefit with appropriate contributions being made on entry into DROP. However, actual payment for such accrued unused leave shall be made in no more than five (5) equal installments, paid no less frequently than annually on the anniversary of the member's entry into DROP, provided however, that the first installment shall be at least sufficient to cover the cost of the employee's contribution to the employee's pension, after all other deductions have been made. The City will, however, make a one time payment at the entry into DROP to employees who have no more than twelve (12) days leave remaining. Interest on any unpaid portion of such accrued leave payment shall be calculated annually at simple interest at the rate earned by the City's largest investment fund (excluding pension investment funds). Termination from DROP prior to the maximum DROP period shall result in a lump sum payment of any remaining balance of said accrued leave installments with interest calculated for each completed calendar quarter.

Such retirement benefit shall accrue monthly to the participant's individual DROP account. The Board of Trustees shall administer these individual DROP accounts. DROP accounts shall accrue interest at a rate set quarterly by the Board of Trustees. These DROP accounts shall be subject to administrative fees or charges as established by the Board of Trustees.

- (B) The effective date of retirement of a DROP participant shall be the first day of the month selected by the member to begin participation in the DROP. No person may enter DROP prior to attending a city sponsored employee education program. Such program shall be in addition to any education program sponsored by the pension plan.
- (C) Normal retirement benefits shall continue to accrue in the DROP until the established termination date of the DROP or until the participant terminates employment or dies prior to such date. A separate accounting of each participant's accrued benefits under the DROP shall be calculated, and be available to participants annually.

- (D) At the conclusion of the participant's DROP, the pension plan shall direct that the participant's total accumulated DROP benefits be distributed, subject to the following provisions:
- (i) The retirement system shall receive verification from the city that the participant has terminated employment.
 - (ii) The terminated DROP participant or if deceased, such participant's named beneficiary, shall elect on forms provided by the pension plan to receive payment of the DROP benefits in accordance with one of the options listed below. For a participant or beneficiary who fails to elect a method of payment within sixty (60) days of termination of the DROP, the retirement system shall direct that a lump sum be distributed as provided in Subsection (a) below.
 - (a) Lump sum: All accrued DROP benefits, plus interest, less withholding taxes remitted to the Internal Revenue Service, shall be paid to the DROP participant or surviving beneficiary.
 - (b) Direct rollover: All accrued DROP benefits, plus interest, shall be paid from the DROP directly to the custodian of an eligible retirement plan as defined in Section 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in Section 402(c)(9) of the Internal Revenue Code.
 - (c) Partial lump sum: A portion of the accrued DROP benefits shall be paid to the DROP participant or surviving spouse, less withholding taxes remitted to the Internal Revenue Service, and the remaining DROP benefits shall be transferred directly to the custodian of an eligible retirement plan as

defined in Section 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in Section 402(c)(9) of the Internal Revenue Code. The proportions shall be specified by the DROP participant or surviving beneficiary.

- (iii) The form of payment selected by the DROP participant or surviving beneficiary shall comply with the minimum distribution requirements of the Internal Revenue Code and payments shall begin no later than the date on which the participant reaches age 70 years and 6 months. Regardless of the form of payout, a participant's DROP account continues until the account balance is exhausted.
- (iv) For a DROP participant who fails to terminate city employment at the expiration of the 60-month maximum DROP participation period or the thirty (30) year credited service maximum, unless authorized to do so pursuant to subparagraphs (2)(A) and (2)(B): the member shall be deemed not to be retired, the DROP election shall be null and void, and the member shall have no accumulated DROP benefits. Retirement system membership shall be reestablished retroactively to the date of the commencement of the DROP, and the member shall be required to pay to the retirement system the member contributions as if the participant had continued service to the city, and the city contributions during the period the member participated in the DROP, plus an interest rate equal to the annual assumed investment return during each year the member participated in the DROP.
- (E) The accrued benefits of any DROP participant, and any contributions accumulated under such program, shall not be subject to assignment, execution, attachment, or to any legal process whatsoever, except for an income deduction order of a court of competent jurisdiction,

income deduction orders as provided in Section 61.1301, Florida Statutes and federal income tax levies.

(F) DROP participants shall not be eligible for disability retirement benefits as provided in Sections 14-49 and 14-50 of this Article, and the participant's beneficiaries and survivors shall not be eligible for the automatic survivor pension, death in the line of duty pension, or survivor pension as provided respectively in Section 14-53 of this Article.

(4) Death benefits under the DROP.

(A) Upon the death of a DROP participant, the named beneficiary shall be entitled to apply for and receive the accrued benefits in the DROP as provided in this Section.

(B) The normal retirement benefit accrued to the DROP during the month of a participant's death shall be the final monthly benefit credited for such DROP participant.

(C) Eligibility to participate in the DROP terminates upon death of the participant. If the participant dies on or after the effective date of enrollment in the DROP, but prior to the first monthly benefit being credited to the DROP, pension plan benefits shall be paid as though the DROP election had not been made.

(5) Contributions.

Neither City nor Member contributions shall be made, due, or payable during a participant's DROP participation, notwithstanding any other section of this Article.

(6) Forfeiture of Retirement Benefits

Nothing in this section shall be construed to remove DROP participants from the scope of Section 8(d). Art. II of the State Constitution, and Section 112.3173, Florida Statutes, DROP participants who commit a specified felony offense while employed will be subject to forfeiture of all retirement benefits, including DROP benefits, pursuant to those provisions of law.

(7) Administration of program.

The Board of Trustees shall make such rules as are necessary for the effective and efficient administration of this subsection and individual DROP accounts. The retirement system shall not be required to advise members of the federal tax consequences of an election related to the DROP but may advise members to seek independent advice.

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

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

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

SECTION 5. That this Ordinance shall be in full force and effect immediately upon its final passage and adoption.

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ORDINANCE NO. 3057
PAGE 9

PASSED AND APPROVED on the first reading this 18TH day of FEBRUARY 2009.

PASSED AND ADOPTED on second and final reading this 6TH day of May, 2009.

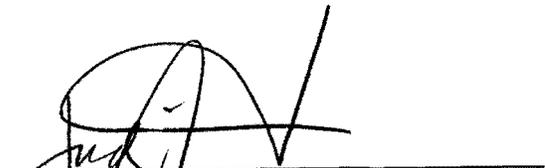
ADOPTED:


THOMAS A. MASTERS
MAYOR


DAWN S. PARDO
CHAIRPERSON

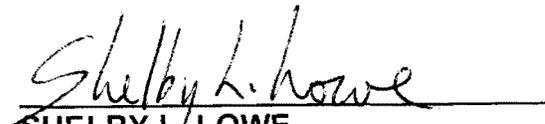
ATTEST:


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK


JUDY L. DAVIS
CHAIR PRO TEM


BILLIE E. BROOKS
COUNCILPERSON


CEDRICK A. THOMAS
COUNCILPERSON


SHELBY L. LOWE
COUNCILPERSON

1ST READING

MOTIONED BY: J. DAVIS

SECONDED BY: D. PARDO

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

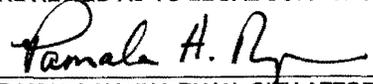
2ND & FINAL READING

MOTIONED BY: B. BROOKS

SECONDED BY: C. THOMAS

D. PARDO	<u>AYE</u>
J. DAVIS	<u>NAY</u>
B. BROOKS	<u>AYE</u>
C. THOMAS	<u>AYE</u>
S. LOWE	<u>NAY</u>

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 4/24/09

ORDINANCE NO. 3058

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 14, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE POLICE OFFICERS' PENSION PLAN BY PROVIDING FOR A DEFERRED RETIREMENT OPTION PROGRAM (DROP); PROVIDING FOR SEVERABILITY, CONFLICTS AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Administration Board of the Police Officers' Pension Plan has recommended and approved amendments to the existing Code to provide improved benefits for participants of the plan; and

WHEREAS, the Police Officers' Pension Plan's actuary has prepared a Statement of Actuarial Impact, which the City Council has received and considered; and

WHEREAS, the City Council deems it to be in the public interest to provide a Deferred Retirement Option Program to the pension plan for its employees in the Police Officers' Pension Plan.

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

SECTION 1. That Section 14-77 of Article IV, Chapter 14 of the City of Riviera Beach Code of Ordinances is hereby amended by creating a NEW subsection (f):

* * *

Sec. 14-77. Optional forms of retirement income.

(f) Deferred Retirement Option Program (DROP). In general, and subject to the provisions of this section, the Board of Trustees of the Police Officer's Pension Plan is authorized to establish and maintain a Deferred Retirement Option Program, hereinafter referred to as DROP. The DROP is a program under which an eligible member of the retirement system may elect to participate by deferring receipt of retirement benefits while continuing employment with the city. Upon entry into DROP a member's accrued vacation and sick leave balances not used in calculation of normal retirement benefits shall be carried forward and the DROP participant shall accrue additional vacation and sick leave during participation in DROP. However, any accrued vacation or sick leave balance at termination of the DROP period shall be forfeited. Upon termination of employment, the participant shall begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP.

(1) Eligibility of member to participate in the DROP.

All retirement system members are eligible to elect participation in the DROP on or after attaining their normal retirement date or age provided that election to participate is made within five (5) years after the member first reaches his or her normal retirement date or age, except as provided for in subparagraphs (2)(A) or (2)(B), below. The member shall advise the city and the retirement system in writing at least thirty (30) days in advance of the date on which the DROP shall begin.

- (2) Participation in the DROP.
 - (A) An eligible member may elect to participate in the DROP for a period not to exceed a maximum of sixty (60) consecutive months nor beyond a total of thirty (30) years of credited service with the city. Any member who has exceeded the sixty (60) month or thirty (30) year limitations shall not be eligible to continue participation in the DROP.
 - (B) Any member who has more than twenty-five (25) years of credited service at the effective date of this Ordinance will have ninety (90) days to make an election to participate in the DROP. If such member makes such an election within the ninety (90) day period the member will be permitted to remain in the DROP for the entire sixty (60) months, regardless of years of service. Any member with more than twenty-five (25) years of service who does not make an election within the ninety (90) day period may do so at a later date, however, the member's DROP will be limited to the period remaining until their thirtieth (30th) year.
 - (C) Upon deciding to participate in the DROP, the member shall submit on forms required by the retirement system:
 - (i) A written election to participate in the DROP.
 - (ii) Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (1) and subparagraphs (2)(A)

or (2)(B). Such termination date shall be in an irrevocable and binding letter of resignation with the city, establishing a deferred termination date. The member may terminate before the termination date within the limitations of subparagraphs (2)(A) or (2)(B), but only with not less than thirty (30) days advance written notice to the city from the new termination date.

- (iii) A properly completed DROP application for service retirement as provided in this section.
 - (iv) A written election of form of pension payment, pursuant to Section 14-77 of this Article.
 - (v) Any other information required by the Pension Plan's Board of Trustees.
- (D) The DROP participant shall be retired under the Pension Plan for all purposes except that payment of benefits shall be deferred until separation from city employment.
- (E) A re-employed DROP participant with renewed membership shall not be eligible for DROP participation.

(3) Benefits payable under the DROP.

The DROP account shall, unless a member elects a self-directed DROP, earn interest at a rate set quarterly by the Board of Trustees. Such interest shall be equal to the system's net rate of investment return for the year and shall be credited to each individual account balance on a quarterly basis. Members selecting a self-directed DROP shall select from one or more providers selected by the Board of Trustees and shall be subject to all fees provided in such self-directed DROP. Self-directed investments shall be invested as permitted in the self-directed DROP agreement.

- (A) Effective with the date of DROP participation, the member's initial normal monthly benefit, including the value of accrued unused leave (per city policy as amended from time to time), credited service, and final average compensation, shall be fixed. The value of

accrued unused leave, whether or not payment for such is actually received by the participant, shall be included in the calculations to determine said normal monthly benefit, with appropriate contributions being made on entry into DROP. However, actual payment for such accrued unused leave shall be made in no more than five (5) equal installments, paid no less frequently than annually on the anniversary of the member's entry into DROP, provided however, that the first installment shall be at least sufficient to cover the cost of the employee's contribution to the employee's pension, after all other deductions have been made. The City will, however, make a one time payment at the entry into DROP to employees who have no more than twelve (12) days leave remaining. Interest on any unpaid portion of such accrued leave payment shall be calculated annually at simple interest at the rate earned by the City's largest investment fund (excluding pension investment funds). Termination from DROP prior to the maximum DROP period shall result in a lump sum payment of any remaining balance of said accrued leave installments with interest calculated for each completed calendar quarter.

Such retirement benefit shall accrue monthly to the participant's individual DROP account. The Board of Trustees shall administer these individual DROP accounts. DROP accounts shall accrue interest at a rate set quarterly by the Board of Trustees. These DROP accounts shall be subject to administrative fees or charges as established by the Board of Trustees.

- (B) The effective date of retirement of a DROP participant shall be the first day of the month selected by the member to begin participation in the DROP. No person may enter DROP prior to attending a city sponsored employee education program. Such program shall be in addition to any education program sponsored by the pension plan.
- (C) Normal retirement benefits shall continue to accrue in the DROP until the established termination date of the DROP or until the participant terminates employment or dies prior to such date. A separate accounting of each participant's accrued benefits under the DROP shall be calculated and be available to participants annually.

- (D) At the conclusion of the participant's DROP, the pension plan shall direct that the participant's total accumulated DROP benefits be distributed, subject to the following provisions:
- (i) The retirement system shall receive verification from the city that the participant has terminated employment.
 - (ii) The terminated DROP participant or if deceased, such participant's named beneficiary, shall elect on forms provided by the pension plan to receive payment of the DROP benefits in accordance with one of the options listed below. For a participant or beneficiary who fails to elect a method of payment within sixty (60) days of termination of the DROP, the retirement system shall direct that a lump sum be distributed as provided in subsection (a) below.
 - (a) Lump sum: All accrued DROP benefits, plus interest, less withholding taxes remitted to the Internal Revenue Service, shall be paid to the DROP participant or surviving beneficiary.
 - (b) Direct rollover: All accrued DROP benefits, plus interest, shall be paid from the DROP directly to the custodian of an eligible retirement plan as defined in Section 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in Section 402(c)(9) of the Internal Revenue Code.
 - (c) Partial lump sum: A portion of the accrued DROP benefits shall be paid to the DROP participant or surviving spouse, less withholding taxes remitted to the Internal

Revenue Service, and the remaining DROP benefits shall be transferred directly to the custodian of an eligible retirement plan as defined in Section 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in Section 402(c)(9) of the Internal Revenue Code. The proportions shall be specified by the DROP participant or surviving beneficiary.

- (iii) The form of payment selected by the DROP participant or surviving beneficiary shall comply with the minimum distribution requirements of the Internal Revenue Code and payments shall begin no later than the date on which the participant reaches age 70 years and 6 months. Regardless of the form of payout, a participant's DROP account continues until the account balance is exhausted.

- (iv) For a DROP participant who fails to terminate city employment at the expiration of the 60-month maximum DROP participation period or the thirty (30) year credited service maximum, unless authorized to do so pursuant to subparagraphs (2)(A) and (2)(B): the member shall be deemed not to be retired, the DROP election shall be null and void, and the member shall have no accumulated DROP benefits. Retirement system membership shall be reestablished retroactively to the date of the commencement of the DROP, and the member shall be required to pay to the retirement system the member contributions as if the participant had continued service to the city, and the city contributions during the period the member participated in the DROP, plus an interest rate equal to the annual assumed investment return during each year the member participated in the DROP.

(E) The accrued benefits of any DROP participant, and any contributions accumulated under such program, shall not be subject to assignment, execution, attachment, or to any legal process whatsoever, except for an income deduction order of a court of competent jurisdiction, income deduction orders as provided in s. 61.1301, Florida Statutes, and federal income tax levies.

(F) DROP participants shall not be eligible for disability retirement benefits as provided in Sections 14-79 and 14-80 of this Article, and the participant's beneficiaries and survivors shall not be eligible for the automatic survivor pension, death in the line of duty pension, or survivor pension as provided respectively in Sections 14-83 of this Article.

(4) Death benefits under the DROP.

(A) Upon the death of a DROP participant, the named beneficiary shall be entitled to apply for and receive the accrued benefits in the DROP as provided in this Section.

(B) The normal retirement benefit accrued to the DROP during the month of a participant's death shall be the final monthly benefit credited for such DROP participant.

(C) Eligibility to participate in the DROP terminates upon death of the participant. If the participant dies on or after the effective date of enrollment in the DROP, but prior to the first monthly benefit being credited to the DROP, pension plan benefits shall be paid as though the DROP election had not been made.

(5) Contributions.

Neither City nor Member contributions shall be made, due, or payable during a participant's DROP participation, notwithstanding any other section of this Article.

(6) Forfeiture of retirement benefits.

Nothing in this section shall be construed to remove DROP participants from the scope of Section 8(d). Art. II of the State Constitution, and Section 112.3173, Florida Statutes, DROP participants who commit a specified felony offense while employed will be subject to forfeiture of all retirement benefits, including DROP benefits, pursuant to those provisions of law.

(7) Administration of program.

The Board of Trustees shall make such rules as are necessary for the effective and efficient administration of this subsection and individual DROP accounts. The retirement system shall not be required to advise members of the federal tax consequences of an election related to the DROP but may advise members to seek independent advice.

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

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

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

SECTION 5. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

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ORDINANCE NO. 3058

PAGE 9

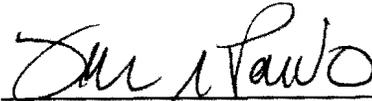
PASSED AND APPROVED on the first reading this 18TH day of FEBRUARY 2009.

PASSED AND ADOPTED on second and final reading this 6TH day of May, 2009.

ADOPTED:



THOMAS A. MASTERS
MAYOR

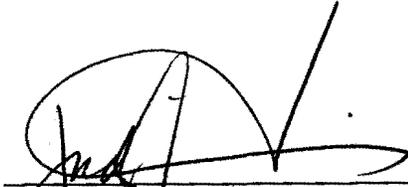


DAWN S. PARDO
CHAIRPERSON

ATTEST:



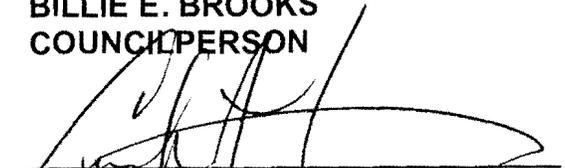
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



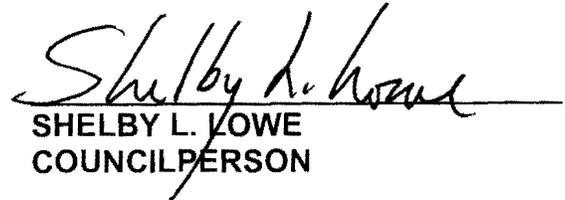
JUDY L. DAVIS
CHAIR PRO TEM



BILLIE E. BROOKS
COUNCILPERSON



CEDRICK A. THOMAS
COUNCILPERSON



SHELBY L. VOWE
COUNCILPERSON

ORDINANCE NO. 3058
PAGE 10

1ST READING

MOTIONED BY: D. PARDO

SECONDED BY: J. DAVIS

C. THOMAS AYE

D. PARDO AYE

L. HUBBARD AYE

J. DAVIS AYE

S. LOWE AYE

2ND & FINAL READING

MOTIONED BY: B. BROOKS

SECONDED BY: C. THOMAS

D. PARDO AYE

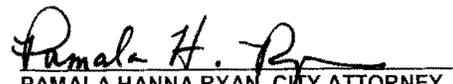
J. DAVIS OUT

B. BROOKS AYE

C. THOMAS AYE

S. LOWE NAY

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 4/23/09

ORDINANCE NO. 3059

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10 ENTITLED "LICENSES AND BUSINESS REGULATIONS" BY CREATING ARTICLE VII ENTITLED "MOBILE VENDOR ORDINANCE"; ESTABLISHING PURPOSES; ESTABLISHING LOCATIONS; ESTABLISHING HOURS OF OPERATION; ESTABLISHING SIGNAGE REQUIREMENTS; ESTABLISHING EXEMPTIONS AND RESTRICTIONS; PROVIDING FOR LICENSING REQUIREMENTS; ESTABLISHING PARKING CRITERIA; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Code of Ordinances of the City of Riviera Beach currently prohibits street vendors and roadside vendors; and

WHEREAS, the City has issued temporary mobile vendor licenses for several years; and

WHEREAS, the City has received an increase in the number of merchants seeking mobile vendor licenses; and

WHEREAS, in order to promote the health, safety, and general welfare of the residents of the City of Riviera Beach regulations are required to ensure that merchants are operating in a safe and sanitary manner.

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. That Chapter 10, entitled Licenses and Business Regulations, of the City of Riviera Beach Code of Ordinances is hereby amended by creating Article VII entitled "Mobile Vendor Ordinance" to read as follows:

TITLE

This article shall be known and cited as the Mobile Vendor Ordinance.

INTENT AND PURPOSE

The purpose of this ordinance is to protect and preserve the health, safety and general welfare of the residents of the City of Riviera Beach. This ordinance is being enacted to regulate Mobile Vendors operating in the City.

DEFINITIONS

The following words, term and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning.

Certificate of Occupancy: means a certificate issued by the City of Riviera Beach Building Official to a builder or renovator, indicating that the building is in proper condition to be occupied.

Disposable tableware: Eating and drinking utensils made of paper and/or plastic that are disposed of after initial use.

Ice Cream Truck: A motor vehicle utilized as the point of retail sales of pre-wrapped or prepackaged ice cream, frozen yogurt, frozen custard, flavored frozen water or similar frozen dessert products.

Mobile Vending Unit: Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable and not permanently attached to the ground from which goods, wares, merchandise or food is peddled, vended, sold, displayed, offered for sale or given away.

Mobile Vendor: A person who peddles, vends, sells, displays, offers to sell or gives away merchandise from a mobile vending unit which is parked or located on a parcel of private property.

Mobile Vending Operation: Peddling, vending, selling, displaying, offering for sale or giving away goods, wares, merchandise or food from a mobile vending unit located on private property.

Prepackaged food: means any properly labeled and processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, and prepared at an approved source.

Restricted Mobile Food Vendor: A mobile food vendor offering only prepackaged food, snow cones, raw produce, or prepackaged ice cream from a mobile vending unit, or a Mobile Automobile Detailer.

Street-side Vendor or Road-side Vendor: A person who peddles, vends, sells, displays, offers to sell or gives away any food products, wares, or merchandise while located in or on a public street, sidewalk, or right-of-way.

Temporary Mobile Vendor: A person and or group who peddles, vends, sells, displays, offers to sell or gives away merchandise from a mobile vending unit for less than 15 days per calendar year.

PERMITTED LOCATIONS

- (a) Mobile vendors, except for Ice Cream Trucks and Mobile Automobile Detailers, are not permitted in the following districts: RS-5, RS-6, RS-8, RML-12, RD-15, RM-15, RMH-15, RMH-20, or RM-20.
- (b) Mobile vendors are not permitted to conduct business in any area that is a public right-of-way.
- (c) Mobile vendors shall not operate in parking spaces, driveways, landscape medians, easements, or fire lanes.
- (d) Mobile vendors shall not operate on vacant, unimproved lots.
- (e) Mobile vendors shall be located only on private property where an existing, permanent business operates in a building with a certificate of occupancy.
 - a. Mobile vendors shall provide the City with a notarized copy of the "Mobile Vendor Access Agreement Form" on an annual basis.
- (f) Mobile vendors shall submit a sketch depicting the location of the mobile vendor on the property, including the designated parking spaces.
- (g) Mobile vendors shall be located within **100** feet of an entrance of a primary building that holds the Certificate of Occupancy.
- (h) Mobile vendors shall be setback a minimum of **35** feet from all intersections.
- (i) Mobile vendors shall be setback a minimum of **20** feet from all roads.
- (j) Mobile vendors are not allowed within **300** feet of a school, playground, or childcare facility.
- (k) Mobile vendors are not allowed to operate within **100** feet of another licensed mobile vendor.
- (l) Mobile vendors are prohibited in a temporary building, tent, or structure.

HOURS OF OPERATION

- (a) Mobile vendors may operate only during the business hours of the primary business on the property.
 - a. Mobile vendors are restricted to the following hours of operation:
 - 1. Monday to Thursday: 7:00 am to Midnight
 - 2. Friday and Saturday: 8:00 am to Midnight
 - 3. Sunday: 12:00 pm to 6:00 pm
- (b) A mobile vendor shall not operate between the hours of 12:00 am and 6:00 am.
- (c) The mobile vending unit shall be removed from the site during the hours of non-operation. Any semi-permanent structure used and/or associated with

the mobile vending operation shall also be removed from the site during hours of non-operation.

SIGNAGE

- (a) All signs advertising for the mobile vending unit must meet the following requirements;
 - a. Signs must be placed flat against the mobile vending unit.
 - i. Sandwich board signs are prohibited.
 - ii. Any type of design or artwork that advertises the use of the mobile vending unit is considered to be a sign.
 - b. Signs may not be larger than nine **(9)** square feet.
 - c. No more than three **(3)** signs may be placed on the mobile vending unit.
 - d. All signs must be approved by the City prior to being posted.
- (b) Mobile vendors are prohibited from using right-of-way signs and off-premise signs.

EXEMPTIONS AND RESTRICTIONS

- (a) Temporary connections to potable water are prohibited. Water shall be from an internal tank within the mobile vending unit, and electricity shall be from a generator or a main power supply via a portable cord that is in conformance with the City of Riviera Beach Electrical Code.
- (b) A mobile vendor shall at no time make use of any outdoor cooking facilities.
 - a. Exceptions to this rule may be made by the Planning and Zoning Administrator when the outdoor cooking facility is permanently attached to the mobile vending unit.
- (c) A mobile vendor shall at no time utilize outdoor storage, or warming or refrigeration devices, except for disposable tableware.
- (d) A drive through is not permitted in conjunction with the mobile vendor.
- (e) The mobile vendor shall install signage in a visible location on the mobile vending unit in a visible location indicating that loitering is not permitted and customers may only remain on the site for up to ten **(10)** minutes after receiving their merchandise.
- (f) The area within which a mobile vending unit is operating shall at all times be kept clean and free from litter, garbage, rubble and debris.
- (g) Mobile vendors providing food or beverage intended for immediate consumption must provide a trash receptacle within ten **(10)** feet of the mobile vending unit.
- (h) The use of amplified music is prohibited, except when used in the operation of an ice cream truck.
- (i) The use of temporary or portable lighting is prohibited except that which is required to illuminate the serving area of the mobile vending unit.
- (j) No mobile vending unit shall be larger than twenty **(20)** feet long by ten **(10)** feet wide by ten **(10)** feet high.
- (k) The current Business Tax Receipt must be posted in a visible location on the mobile vending unit.

- (I) A mobile vendor participating in a special event or event under this code will be required to pay the registration fees set forth in Section 10-121 and comply with the requirement of this article prior to participating in said event.

RESTRICTED MOBILE FOOD VENDORS

(a) Ice Cream Trucks

a. Permitted Sales Locations

- i. Sales from ice cream trucks shall occur only on public roadways with a speed limit of 25 miles per hour or less located within residential districts or on private ways with the consent of the owner or owners of the private roadway.
 1. Ice cream trucks shall pull as far as practicable to the side of the right of way when stopping for the purpose of making sales and shall operate four-way flashers when so stopped. In no event shall an ice cream truck stopped for the purpose of making sales prevent the passage of other motor vehicles on the right of way.
 2. Ice cream trucks may stop for the purpose of making sales only between the hours of 11:00 a.m. and 7:00 p.m.
 3. Sales from the ice cream truck shall occur only when the ice cream truck is lawfully stopped.
 4. Sales shall occur only from the side of the truck away from moving traffic and as near as possible to the curb or side of the street.
 5. Sales shall not occur to a person standing in the roadway.

b. Prohibited Locations

- i. No ice cream truck shall make any sales within 500 feet of a restaurant or retail store selling prepackaged food items.
- ii. No ice cream truck shall make any sales within 500 feet of any public school.
- iii. No ice cream truck shall stop at any time for the purpose of making sales in any area where parking is prohibited.

c. Safety Requirements

- i. Signs stating "WATCH FOR CHILDREN" must be provided on the front, back and both sides of the vehicle in at least 4" letters of contrasting colors.
- ii. A serving window capable of being closed when not in use must be provided and located on the curbside only.
- iii. The vehicle must be equipped with left and right outside rear view mirrors as well as two additional outside wide-angle mirrors on the front and back of the vehicle to enable the driver to see around the entire vehicle.
- iv. All vehicles must have operable four-way, yellow flashing hazard lights to warn approaching drivers of children.

- v. A rear bumper cover must be installed.

(b) Raw Produce Vendors

a. Permitted Locations

- i. Raw produce vendors shall be setback a minimum of **35** feet from all intersections.
- ii. Raw produce vendors shall be setback a minimum of **20** feet from all roads

b. Prohibited Locations.

- i. Raw produce vendors shall not operate in parking spaces, driveways, sidewalks, fire lanes, rights-of-way, or public roads.
- ii. Raw produce vendors are prohibited in a temporary building, tent or structure.

c. Safety Requirements

- i. All products must be the original produce or work of the vendor.
- ii. No items offered for sale will be commercially grown, created or produced without value added by the vendor.
- iii. Produce offered for sale must be free from harmful pesticide residues and any applications must have been made according to manufacturer's directions.
- iv. All food items must be free from insects and spoilage.
- v. All produce must be washed.

(c) Mobile Automobile Detailers

a. Permitted Locations

- i. In all residential areas, Mobile Automobile Detailers must operate in the driveway or parking lot.
- ii. Mobile Automobile Detailers shall not operate on sidewalks, fire lanes, rights-of-way, or public roads.
- iii. Mobile Automobile Detailers shall not block or impede traffic on any public or private road, easement, or right-of-way.
- iv. All water or other substances used by the Mobile Automobile Detailer must be fully contained on the site where the vendor is operating.
- v. Mobile Automobile Detailers shall not play music while operating in residential areas.
- vi. Mobile Automobile Detailers may not operate as a Home Occupation. Vendors are prohibited from servicing vehicles from their primary residence.

b. Hours of Operation

- i. Mobile Automobile Detailers are restricted to the following hours of operation in residential areas:
 - 1. Monday to Thursday: 8:00 am to 6:00 pm
 - 2. Friday and Saturday: 7:00 am to 7:00 pm
 - 3. Sunday: 12:00 pm to 6:00 pm
- ii. Mobile Automobile Detailers are restricted to the following hours of operation in non-residential areas:

1. Monday to Thursday: 7:00 am to 7:00 pm
2. Friday and Saturday: 7:00 am to 8:00 pm
3. Sunday: 12:00 pm to 6:00 pm

LICENSING REQUIREMENTS

Prior to the issuance of a Business Tax Receipt, Mobile Food Vendors must comply with the following State of Florida and local requirements as applicable:

- (a) Mobile food vendors engaged in the selling of cooked or prepared food must be licensed by the Florida Division of Hotels and Restaurants.
 - a. Obtaining licensing from the Florida Division of Hotels and Restaurants does not guarantee approval by the City of Riviera Beach Planning and Zoning Division.
 - b. Mobile food vendors must pass all inspections conducted by the Florida Division of Hotels and Restaurants to maintain the business tax receipt for their establishment.
 - c. Current inspection results must be conspicuously posted on the mobile vending unit.
- (b) Mobile food vendors engaged in the selling of prepackaged ice cream, popcorn, raw produce, or smoothies must be licensed by the Florida Department of Agriculture and Consumer Services.
 - a. Obtaining licensing from the Florida Department of Agriculture and Consumer Services does not guarantee approval by the City of Riviera Beach Planning and Zoning Division.
 - b. Mobile food vendors must pass all inspections conducted by Florida Department of Agriculture and Consumer Services to maintain the business tax receipt for their establishment.
 - c. Current inspection results must be conspicuously posted on the mobile vending unit.
- (c) Mobile food vendors must pass an inspection by the City of Riviera Beach Fire Department.
 - a. Obtaining a passing inspection does not guarantee approval by the City of Riviera Beach Planning and Zoning Division.
 - b. Mobile food vendors must pass all inspections conducted by the City of Riviera Beach Fire Department to maintain the business tax receipt for their establishment.

PARKING REQUIREMENTS

- (a) Mobile food vendors shall secure a minimum of two **(2)** dedicated parking spaces for customers utilizing their services.
 - a. Parking spaces shall be marked as required by zoning regulations.
 - b. Parking spaces must meet the size requirements established by the City.
- (b) Mobile food vendors shall not utilize more than ten **(10)** percent of the required parking for the primary business holding the certificate of occupancy.

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- (c) Mobile food vendors shall not sell to customers parked in areas designated as public rights-of-way.
- (d) Mobile food vendors shall not solicit or conduct business with any customers in motor vehicles.

ENFORCEMENT

The provisions of this article may be enforced through the city's code enforcement procedures or as otherwise authorized in this code and may be pursued by appropriate remedy in a court of competent jurisdiction at the city's discretion. If code enforcement is utilized to enforce this article, a resulting code enforcement lien may be assessed against the private property upon which the mobile vending operation operates or operated.

SECTION 3. That Section 10-12(c), of Chapter 10, article I of the City of Riviera Beach Code of Ordinances, which prohibits mobile vendors in the City, is hereby repealed.

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

SECTION 5. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this Ordinance may be renumbered to accomplish such intentions.

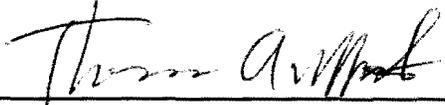
SECTION 6. All sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

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

PASSED AND APPROVED on the first reading this 15TH day of APRIL 2009.

PASSED AND ADOPTED on second and final reading this 6TH day of MAY 2009.

APPROVED:



THOMAS A. MASTERS
MAYOR

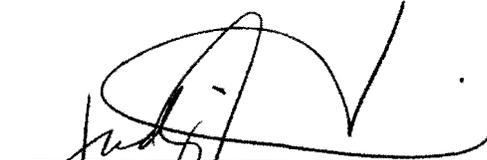


DAWN S. PARDO
CHAIRPERSON

ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



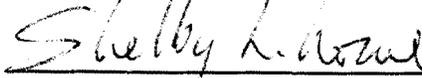
JUDY L. DAVIS
CHAIR PRO TEM



BILLIE E. BROOKS
COUNCILPERSON



CEDRICK A. THOMAS
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

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PAGE 10

1ST READING

MOTIONED BY: C. THOMAS

SECONDED BY: J. DAVIS

D. PARDO AYE

J. DAVIS AYE

B. BROOKS ABSENT

C. THOMAS AYE

S. LOWE AYE

2ND & FINAL READING

MOTIONED BY: C. THOMAS

SECONDED BY: S. LOWE

D. PARDO AYE

J. DAVIS AYE

B. BROOKS AYE

C. THOMAS AYE

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: _____

ORDINANCE NO. 3060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ABANDONING A PORTION OF EAST 21ST STREET EAST OF AVENUE "B" DESCRIBED AS A PORTION OF THAT CERTAIN 40-FOOT RIGHT OF WAY AS LAID OUT, CONSTRUCTED, AND MAINTAINED (NOW KNOWN AS 21ST STREET) AS SHOWN ON THE REVISED PLAT OF COCOANUT LODGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 52 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1469, PAGE 488, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF THAT CERTAIN 50-FOOT RIGHT-OF-WAY (NOW KNOWN AS AVENUE B) STARTING AT THE SW CORNER OF THE PORTION OF LAND DESCRIBED IN ORB 1469 PAGE 488, THENCE WESTERLY ALONG THE NORTH PROPERTY LINE OF LOT 1 BLOCK 2, TO THE NW CORNER OF SAID LOT, THENCE AT A BEARING OF N 16° 47' 47" E A DISTANCE OF 40.97 FEET TO THE SW CORNER OF LOT 7, BLOCK 1, THENCE ALONG THE SOUTH PROPERTY LINE OF SAID LOT TO THE NW CORNER OF THE PORTION OF LAND DESCRIBED IN ORB 1469 PAGE 488 AS SHOWN ON SAID REVISED PLAT OF COCOANUT LODGE. SAID LANDS LYING IN THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA. TOGETHER WITH THAT CERTAIN PORTION OF A 40-FOOT RIGHT OF WAY (NOW KNOWN AS 21ST STREET) AS SHOWN ON THE REVISED PLAT OF COCOANUT LODGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 52 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE WEST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1469, PAGE 488, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING WEST OF THE WEST FACE OF THE EXISTING BULKHEAD AS SHOWN HEREON; SAID LANDS LYING IN THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY; PROVIDING CONDITIONS; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. _____

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WHEREAS, the applicant, JSF Marine, LLC, a division of Viking Yachts, has requested an abandonment of City owned right-of-way on East 21st Street; and

WHEREAS, the portion of right-of-way being requested for abandonment lies within the Community Redevelopment Area of the City of Riviera Beach and the Community Redevelopment Agency Board of Commissioners found that the abandonment is consistent with the adopted Redevelopment Plan; and

WHEREAS, the City of Riviera Beach is willing to vacate said right-of-way subject to specific concerns and conditions contained in an enforceable development agreement with JSF Marine, LLC; and

WHEREAS, the City Council has held a public hearing and found that the above referenced right-of-way should be abandoned as a public right-of-way so long as an enforceable development agreement will be executed.

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. That the public right-of-way as shown in Exhibit "A" and described below is hereby abandoned on the condition that an enforceable development agreement is entered into between the City and JSF Marine, LLC, said agreement to include a reverter provision pertaining to this ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ABANDONING A PORTION OF EAST 21ST STREET EAST OF AVENUE "B" DESCRIBED AS A PORTION OF THAT CERTAIN 40-FOOT RIGHT OF WAY AS LAID OUT, CONSTRUCTED, AND MAINTAINED (NOW KNOWN AS 21ST STREET) AS SHOWN ON THE REVISED PLAT OF COCOANUT LODGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 52 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1469, PAGE 488, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF THAT CERTAIN 50-FOOT RIGHT-OF-WAY (NOW KNOWN AS AVENUE B) STARTING AT THE SW CORNER OF THE PORTION OF LAND DESCRIBED IN ORB 1469 PAGE 488, THENCE WESTERLY ALONG THE NORTH PROPERTY LINE OF LOT 1 BLOCK 2, TO THE NW CORNER OF SAID LOT, THENCE AT A BEARING OF N 16° 47' 47" E

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

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

SECTION 5. That this Ordinance be recorded in the public records of Palm Beach County.

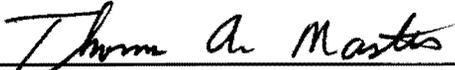
SECTION 6. This ordinance shall be in full force and effect immediately upon its final passage and approval.

PASSED AND APPROVED on first reading this 20th day of May, 2009.

PASSED AND ADOPTED on second and final reading this 3 day of February 2010.

{REMAINDER OF PAGE LEFT BLANK INTENTIONALLY}

APPROVED:



THOMAS A. MASTERS
MAYOR



DAWN S. PARDO
CHAIRPERSON

ATTEST:



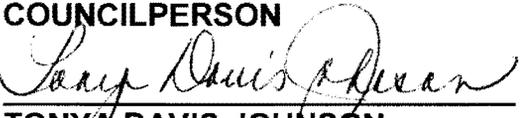
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



JUDY L. DAVIS
CHAIR PRO TEM



BILLIE E. BROOKS
COUNCILPERSON



TONYA DAVIS JOHNSON
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

1ST READING

MOTIONED BY: C. Thomas

SECONDED BY: J. Davis

2ND & FINAL READING

MOTIONED BY: J. Davis

SECONDED BY: B. Brooks

ORDINANCE NO. 3060

PAGE -5-

D. PARDO aye
J. DAVIS aye
B. BROOKS aye
C. THOMAS aye
S. LOWE nay

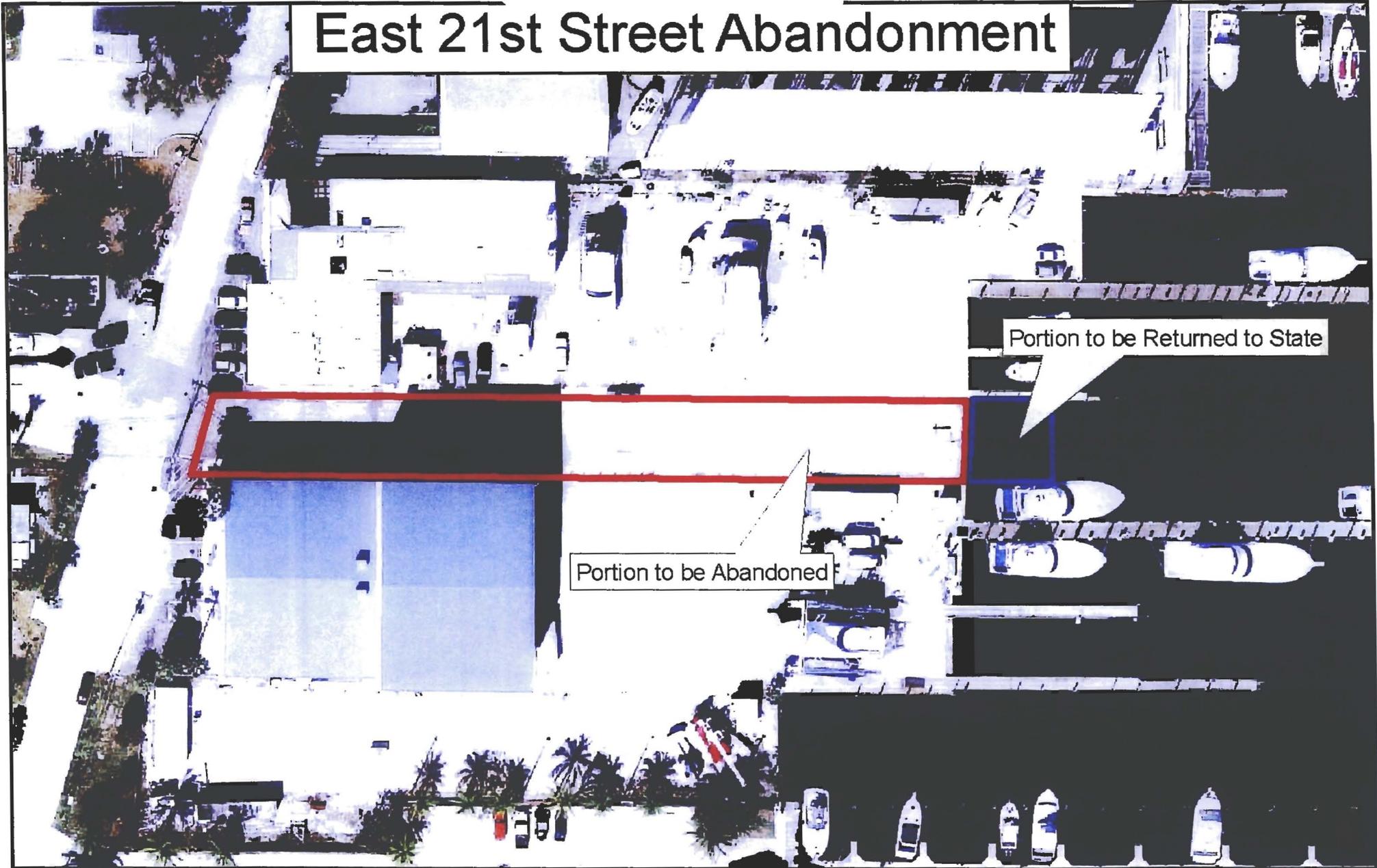
D. PARDO aye
J. DAVIS aye
B. BROOKS aye
T. ^{DAVIS} JOHNSON aye
S. LOWE aye

REVIEWED AS TO LEGAL SUFFICIENCY

Pamala H. Ryan
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 1/20/10

East 21st Street Abandonment



Portion to be Returned to State

Portion to be Abandoned