

ORDINANCE NO. 4063

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE II OF THE CITY'S CHARTER ENTITLED "GOVERNMENT", SECTION 3 ENTITLED "NOTICE OF CANDIDACY—FILING FEE", AND SECTION 4 ENTITLED "DATE OF ELECTION—RUN OFF ELECTIONS"; AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES ENTITLED "ELECTIONS", SECTION 5-2 ENTITLED "FILING AND QUALIFICATION OF CANDIDATES FOR MAYORAL AND COUNCIL", AND SECTION 5-4 ENTITLED "DATE OF ELECTION; RUN-OFF ELECTIONS" TO MOVE THE MUNICIPAL ELECTION DATE, WHEN NECESSARY, TO A DATE CONCURRENT WITH ANY COUNTYWIDE OR STATEWIDE ELECTION HELD IN MARCH; TO MOVE OTHER ELECTION-RELATED DATES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Presidential Primary has been set for March 15, 2016; and

WHEREAS, by City Charter, the City's municipal election is set for the second Tuesday in March which is March 8, 2016; and

WHEREAS, the Palm Beach County Supervisor of Elections has requested that all Palm Beach County municipalities move their municipal election date to coincide with the March 15, 2016 Presidential Primary; and

WHEREAS, sub-section 101.75(3), Florida Statutes, provides that an ordinance may be passed to amend a municipality's charter to move the date of any municipal election to a date concurrent with any countywide or statewide election without need for a referendum; and

WHEREAS, by changing the date of the 2016 municipal election, other election-related dates must also be changed including the qualifying timeframe; and

WHEREAS, the changes proposed by this ordinance are generic in nature and will allow for future changes to the municipal election date and related dates in the event of any countywide or statewide election in March; and

WHEREAS, in an effort to stay in compliance with Florida Statutes Section 101.62(4)(a), requiring that absentee ballots be mailed to each absent uniformed

services voter and to each overseas voter who has requested an absentee ballot, the qualifying period will be changed for all future municipal elections.

WHEREAS, the City Council has determined that the enactment of this ordinance is for a proper municipal purpose.

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

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

SECTION 2. Article II, of the City Charter, entitled "Government", Section 3, entitled "Notice of candidacy – Filing fee", is hereby amended as follows:

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 in accordance with Section 5-2 (a) of City's Code of Ordinances. The notice shall be accompanied by a filing fee of five percent of the annual salary of the office sought. 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 3. Article II, of the Charter, entitled "Government", is amended at Section 4, entitled "Date of election—Run-off elections", is hereby amended as follows:

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 any one 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 receives the highest vote shall continue to 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. Election dates affected by any countywide or statewide election held in March will coincide with the date for the countywide or statewide election. If the initial

election is held less than two weeks prior to the fourth Tuesday in March, then a run-off election, when necessary, shall be held the fifth Tuesday in March or the first Tuesday in April whichever is applicable.

SECTION 4. Chapter 5, of the Code of Ordinances, entitled "Elections"; Section 5-2, entitled "Filing and qualification of candidates for mayoral and council", is hereby amended as follows:

Section 5-2. Filing and qualification of candidates for mayoral and council.

(a) Candidates for mayoral and city council shall file such papers and pay such fees as may be required by law, including the filing fee required by City Charter article II, section 3, during the qualifying period with the City Clerk no earlier than noon on the ~~last~~ fourth Tuesday in ~~January~~ November and no later than noon on the second Tuesday in ~~February~~ December of the calendar year ~~prior in~~ which to the year the mayoral or city council election is to be held. The names of all candidates and the offices for which they have filed shall be received by the Palm Beach County Supervisor of Elections from the City Clerk by 5:00 p.m. on the first Friday after the close of the above described qualifying period.

SECTION 5. Chapter 5, of the Code of Ordinances, entitled "Elections"; Section 5-4, entitled "Date of election; run-off elections", is hereby amended as follows:

Section 5-4. Date of election; run-off elections.

The names of the person qualified shall appear as candidates on the ballot for an election to be held on the second Tuesday in March of each election year. In the event that one candidate for any office shall receive a majority of the votes of the registered and qualified electors of the city actually voting for said office at such election, such person shall be deemed elected to such office. In the event that as to any office no candidate receives such a majority, then the two who received the highest vote shall continue to be voted upon at an election to be held on the fourth Tuesday of March and the one who then obtains a majority of the votes cast by the registered and qualified electors of the city for said office shall be deemed elected to such office. Election dates affected by any countywide or statewide election held in March will coincide with the date for the countywide or statewide election. If the initial election is held less than two weeks prior to the fourth Tuesday

in March, then a run-off election, when necessary, shall be held the fifth Tuesday in March or the first Tuesday in April whichever is applicable.

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

SECTION 7. 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 8. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, all charter sections or parts of sections and all resolutions or parts of resolutions in conflict herewith, are repealed to extent of such conflict.

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

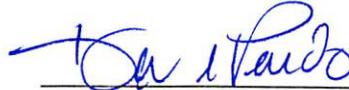
PASSED AND APPROVED on the first reading this 20th day of MAY, 2015.

PASSED AND ADOPTED on second and final reading this 3RD day of JUNE, 2015.

APPROVED:



THOMAS A. MASTERS
MAYOR



DAWN S. PARDO
CHAIRPERSON

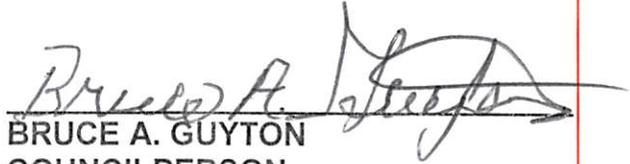


TERENCE D. DAVIS
CHAIR PRO TEM

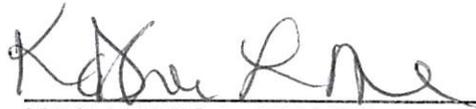
ATTEST:



CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

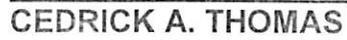


BRUCE A. GUYTON
COUNCILPERSON



KASHAMBA L. MILLER
COUNCILPERSON

TARDY



CEDRICK A. THOMAS
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA H. RYAN, B.C.S., CITY ATTORNEY

DATE: 6/3/15

1ST READING

MOTIONED BY: B. GUYTON

SECONDED BY: T. DAVIS

D. PARDO AYE

T. DAVIS AYE

B. GUYTON AYE

K. MILLER AYE

C. THOMAS AYE

2ND & FINAL READING

MOTIONED BY: B. GUYTON

SECONDED BY: T. DAVIS

D. PARDO AYE

T. DAVIS AYE

B. GUYTON AYE

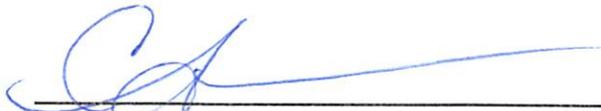
K. MILLER AYE

C. THOMAS TARDY

CERTIFICATION OF PUBLICATION

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

6/3/15
DATE



Claudene L. Anthony, Certified Municipal Clerk
City Clerk

ORDINANCE NO. 4064

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "LICENSES AND BUSINESS REGULATIONS", ARTICLE V, ENTITLED "BUSINESS TAX RECEIPT", SECTION 10-150, ENTITLED "CLASSIFICATIONS AND RATE STRUCTURE", BY INCREASING BUSINESS TAX RECEIPT RATES BY 5% FOR BUSINESS TAX RECEIPTS WHICH CURRENTLY HAVE A FEE GREATER THAN \$150.00; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 205, entitled "Local Business Taxes", gives municipalities the authority to increase Business Tax Receipt fees every other year up to five percent (5%); and

WHEREAS, the City Council last increased all Business Tax Receipt fees by five percent (5%) in 2013 via Ordinance No. 4026; and

WHEREAS, there are many small businesses within the City which are all required to have a City Business Tax Receipt; and

WHEREAS, a majority of Business Tax Receipts associated with small businesses require a payment of less than one hundred and fifty dollars (\$150.00); and

WHEREAS, to encourage small business growth and to ensure that an undue burden is not placed on small businesses, all Business Tax Receipt categories requiring a fee of one hundred and fifty dollars (\$150.00) or less shall not be increased by this ordinance; and

WHEREAS, it is fiscally responsible for the City to increase BTR fees requiring a fee greater than one hundred and fifty dollars (\$150.00) by five percent (5%), as these fees have not been amended since August of 2013.

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

SECTION 1. That Chapter 10 of the Code of Ordinances, entitled "Licenses and Business Regulations", Article V, entitled "Business Tax Receipt", Section 10-150, entitled "Classifications and rate structure" is hereby amended by increasing the

schedule and fee structure of all Business Tax Receipt categories requiring a fee greater than one hundred and fifty dollars (\$150.00) by 5% as attached hereto as "Exhibit A" and as set out below, with additions underlined and deletions in strikethrough format:

The business tax receipt classifications and fee schedule are adopted to levy business taxes for the privilege of engaging or managing any business, profession or occupation within the incorporated limits of the city. The schedule and fee structure, adopted on ~~August 7, 2013~~ June 17, 2015, due to the length and context of the section, will not be codified, being placed on reserve at the city clerk's office.

SECTION 2. 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 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. Specific authority is hereby granted to codify this ordinance.

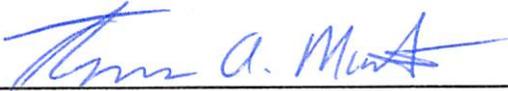
SECTION 5. This Ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED AND APPROVED on the first reading this 3rd day of JUNE, 2015.

PASSED AND ADOPTED on second and final reading this 17th day of JUNE, 2015.

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APPROVED:



THOMAS A. MASTERS
MAYOR

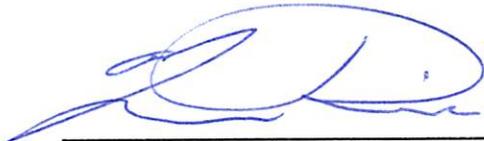


DAWN S. PARDO
CHAIRPERSON

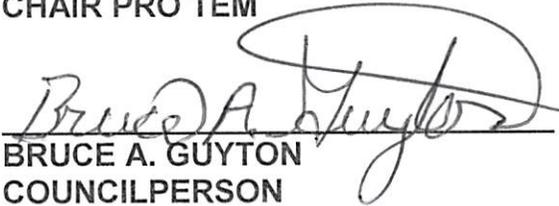
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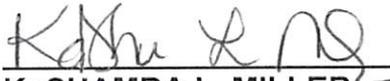
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CERTIFIED MUNICIPAL CLERK
CITY CLERK



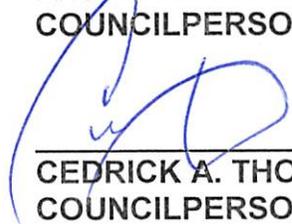
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REVIEWED AS TO LEGAL SUFFICIENCY

Pamala H. Ryan
PAMALA H. RYAN, B.C.S., CITY ATTORNEY

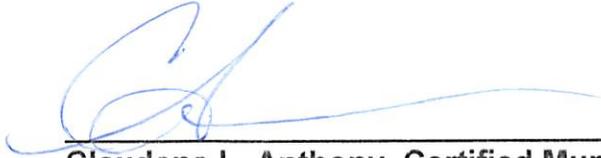
DATE: 6/16/15

CERTIFICATION OF PUBLICATION

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

6/17/15

DATE



**Claudene L. Anthony, Certified Municipal Clerk
City Clerk**