

ORDINANCE NO. 2484

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY TO CHARGE A TIPPING FEE FOR WOOD PRODUCTS BROUGHT TO THE CITY FOR DISPOSAL OR PROCESSING AND AUTHORIZING THE CITY TO MARKET PROCESSED WOOD CHIPS AND MULCH, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has purchased a wood processor (tub grinder) for the purpose of processing the City's residential bulk yard waste,

AND WHEREAS, it is in the City's best interest to market available processing time in order to recapture operational costs and to aid in meeting recycling goals.

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

SECTION 1: That the City Council of the City of Riviera Beach, Palm Beach County, Florida, hereby authorizes the charging of a tipping fee of \$6.00 per yard for disposal and/or processing of clean wood products delivered to the city processing (recycling) location. The processed wood chips shall be marketed at a rate of \$12.50 per yard and mulch at \$8.50 per yard it is further authorized that the City Manager be allowed to negotiate inter-local agreements with other governmental agencies for wood processing or processed material subject to Council approval.

SECTION 2: The City will receive yard waste from the residents of Riviera, being able to prove residency, at no tipping fee. The following described materials will be acceptable for processing and all processed material will become the property of the City of Riviera Beach to be marketed by the City:

1. Tree Trimmings
2. Trees - cut in lengths of four (4) feet not exceeding 12 inches in diameter
3. Lawn clippings including weeds, flowers, shrubs and bushes (hedging)
4. Leaves from trees, shrubs, hedges, bushes and including palm fronds
5. Surplus lumber, wood construction material and wood fencing
6. Demolition material is limited to city demolition projects

SECTION 3: This Ordinance shall take effect upon immediate passage and adoption by the City Council.

PASSED AND APPROVED on first reading this 20th day of December 1989.

PASSED AND ADOPTED on second and final reading this 3rd day of January, 1989. 90

APPROVED:

*Clark Williams*

MAYOR

(MUNICIPAL SEAL

*J. Goode*

CHAIRPERSON

*Elizabeth K. Wood*

CHAIRPERSON PRO-TEM

ATTEST

*Stephanie...*

CITY CLERK

*Aller...*

*James C. McGann*

COUNCIL MEMBERS

MOTIONED BY: A. Fox

SECONDED BY: J. McGann

A. FOX: aye

J. GOODE: out

B. MCGANN: aye

J. CUNNINGHAM: aye

E. WADE: aye

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND ENFORCEMENT OF THE CITY OF...

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND ENFORCEMENT OF THE CITY OF...

*[Signature]*

ORDINANCE NO. 2485

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA INCREASING THE BUDGET FOR PAVING AND DRAINAGE CONSTRUCTION ACCOUNT BY \$91,000.00.

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

**SECTION 1.** That the budget for Paving and Drainage Account No. 301 be increased by \$91,000.00.

**SECTION 2.** That the check received from Indiana Lumbermens Companies be deposited to Account no. 301.

**PASSED AND APPROVED** on first reading this 20th day of December, 1989.

**PASSED AND ADOPTED** on second and final reading this 3rd day of January, 1989. 90

APPROVED:

*Charles K. Williams*  
MAYOR

*[Signature]*  
CHAIRMAN

[MUNICIPAL SEAL]

*[Signature]*  
CHAIRPERSON PRO TEM

ATTEST:

*[Signature]*  
CITY CLERK

*[Signature]*  
COUNCIL MEMBERS  
*[Signature]*

1ST Reading

2nd and Final Reading

MOTIONED BY: A. Fox  
SECONDED BY: J. McGann

E. Wade  
A. Fox

J. GOODE out  
A. FOX aye  
E. WADE aye  
J. MCGANN aye  
J. CUNNINGHAM aye

aye  
aye  
aye  
aye  
aye

CERTIFICATE OF PUBLICATION

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

GENDOLYN E. DAVIS, CITY CLERK

12.06.89  
LJS/os

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF RIVIERA BEACH, FLORIDA

*[Signature]*  
217 . 1989

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING FOR APPLICATION OF ORDINANCE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR EMERGENCY ENACTMENT; PROCEDURES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a water shortage emergency may be declared from time to time by the South Florida Water Management District, affecting the CITY OF RIVIERA BEACH, and its water service area; and

WHEREAS, during such water shortage condition, the amount of surface and groundwater supplies may become insufficient to meet current or anticipated demands; and

WHEREAS, upon the existence of such conditions, it becomes imperative to the public well-being that certain uses of water be restricted or curtailed and that available water resources be allocated; and

WHEREAS, the South Florida Water Management District has primary responsibility under Chapter 373, Florida Statutes, for regulating water use and allocating available water supplies during periods of water shortage; and

WHEREAS, the South Florida Water Management District has adopted a "Water Shortage Plan," codified as Chapter 40E-21, Florida Administrative Code, for the purpose of allocating and conserving the water resource during periods of water shortage and maintaining a uniform approach towards water use restrictions; and

WHEREAS, the South Florida Water Management District has requested the assistance of the CITY OF RIVIERA BEACH in the enforcement of the provisions of the "Water Shortage Plan;" and

WHEREAS, it is the desire of the City Council of the CITY OF RIVIERA BEACH to provide the South Florida Water Management District with all possible assistance in the enforcement of the provisions of the "Water Shortage Plan" during a water shortage or water shortage emergency; and

WHEREAS, Section 373.609, Florida Statutes, provides that it shall be the duty of municipal governmental and law enforcement officials to assist the South Florida Water Management District in the enforcement of Chapter 373, Florida Statutes, and any rules adopted thereunder, upon request by the South Florida Water Management District.

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

SECTION 1: INTENT AND PURPOSE

1.01. It is the intent and purpose of this ordinance to protect the various water resources of the CITY OF RIVIERA BEACH from the harmful effects of over-utilization during periods of water shortage and allocate available water supplies by assisting the South Florida Water Management District in the implementation of its "Water Shortage Plan".

SECTION 2: DEFINITIONS

2.01 For the purpose of this ordinance, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

- (a) "District" is the South Florida Water Management District.
- (b) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.
- (c) "Water Resource" means any and all water on or beneath the surface of the ground, including natural or artificial water courses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.
- (d) "Water Shortage Condition" means when sufficient water is not available to meet present or anticipated needs of persons using the water resource, or when conditions are such as to require temporary reduction in total water usage within a particular area to protect the water resource from serious harm. A water shortage usually occurs due to drought.
- (e) "Water Shortage Emergency" means that situation when the powers which can be exercised under Part II of Chapter 40E-21, Florida Administrative Code, are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish, or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational or other reasonable uses.

- (e) "Water Shortage Emergency" means that situation when the powers which can be exercised under Part II of Chapter 40E-21, Florida Administrative Code, are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish, or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational or other reasonable uses.

**SECTION 3: APPLICATION OF ORDINANCE**

- 3.01 The Provisions of this ordinance shall apply to all persons using the water resource within the geographical areas subject to the District, whether from public or privately owned water utility systems, private wells, or private connections with surface water bodies. This ordinance shall not apply to persons using treated effluent or salt water.

**SECTION 4: AMENDMENTS TO WATER SHORTAGE PLAN**

- 4.01 Chapter 40E-21, Florida Administrative Code, as same may be amended from time to time, is incorporated herein by reference as a part of the CITY OF RIVIERA BEACH'S City Code.

**SECTION 5: DECLARATION OF WATER SHORTAGE - WATER SHORTAGE EMERGENCY**

- 5.01 The declaration of Water Shortage or Water Shortage Emergency within all or any part of the CITY OF RIVIERA BEACH by the governing board or the executive director of the District shall invoke the provisions of this ordinance. Upon such declaration, all water use restrictions or other measures adopted by the District applicable to the CITY OF RIVIERA BEACH and its water service area, or any portions thereof, shall be subject to enforcement action pursuant to the ordinance. Any violation of the provisions of Chapter 40E-21, Florida Administrative Code, or any order issued pursuant thereto, shall be a violation of the ordinance.
- 5.02 In the event of a facility failure of circumstance outside the immediate jurisdiction of the South Florida Water Management District which would necessitate curtailment of water production, the CITY OF RIVIERA BEACH the administrator, or his designee may declare the existence of a Water Shortage Condition or Emergency which shall activate the provisions of this ordinance.

**SECTION 6: ENFORCEMENT**

6.01 Every police officer or sheriff having jurisdiction in the area governed by this ordinance shall, in connection with all other duties imposed by law, diligently enforce the provisions of this ordinance. In addition, the City Administrator may also delegate enforcement responsibility for this ordinance to agencies and departments of County/City government, or cities in the service areas governed by this ordinance, in accordance with state and local law.

**SECTION 7: PENALTIES**

7.01 Violation of any provision of this ordinance shall be subject to the following penalties:

First violation - \$25.00

Second and subsequent violations - Fine not to exceed \$500 and/or imprisonment in the County Jail not to exceed 60 days.

Each day in violation of this ordinance shall constitute a separate offense. In the initial stages of a Water Shortage or Water Shortage Emergency, law enforcement officials may provide violators with no more than one written warning. The County/City, in addition to the criminal sanctions contained herein, may take any other appropriate legal action, including but not limited to emergency injunctive active, to enforce the provisions of this ordinance.

**SECTION 8: WATER USERS TO ACCEPT PROVISION OF THIS ORDINANCE**

8.01 No water service shall be furnished to any person by a public or private utility unless such person agrees to accept all the provisions of this Ordinance. The acceptance of water service shall be in itself the acceptance of the provisions thereof.

**SECTION 9: ORDINANCES REPEALED**

9.01 All ordinances or parts of ordinances in conflict herewith be and the same are being repealed.

**SECTION 10: SEVERABILITY**

10.1 If any section, sentence, clause, or phrase of the ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 11: DECLARATION OF EMERGENCY**

11.01 This City Council must declare that an emergency exists and that immediate enactment of this ordinance is necessary, and such declaration must be done by no less than four-fifths (4/5ths) vote of the membership of the City Council.

**SECTION 12: INCLUSION IN CODE**

12.01 It is the intention of the City Council that the provisions of this ordinance become and be made a part of the CITY OF RIVIERA BEACH'S City Code; and that the sections of this ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Article", or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 13: EFFECTIVE DATE**

13.01 This ordinance shall be immediately certified by the City Clerk to the Department of State and shall take effect upon receipt of official acknowledgement to this office that it has been filed.

PASSED AND APPROVED ON FIRST READING THIS 20th DAY OF  
December, 1989.

PASSED AND ADOPTED ON SECOND AND FINAL READING THIS 3rd  
DAY OF January, 1989.90

APPROVED:

*Clara K. Williams*  
MAYOR

*[Signature]*  
CHAIRMAN

*Chereth K. Ward*  
CHAIRMAN PRO TEM

ATTEST:

*[Signature]*  
CITY CLERK

*[Signature]*

MOTIONED BY: A. Fox

SECONDED BY: J. Cunningham

*[Signature]*  
COUNCILMEMBERS

J. CUNNINGHAM                      aye  
A. FOX                                      aye  
J. GOODE                                  out  
J. MCGANN                                aye  
E. WADE                                    aye

JLW:rh

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA SETTING UP A BUDGET WITH THE FUND COMMUNITY AFFAIRS GRANT-PLANNING FOR THE LOCAL GOVERNMENT LAND DEVELOPMENT REGULATION ASSISTANCE PROGRAM.

WHEREAS, the State Department of Community Affairs, under its Local Government Land Development Assistance Program has awarded a grant of \$30,642 to the City of Riviera Beach for assistance in preparation of the Land Development Code and;

WHEREAS, The City of Riviera Beach has accepted said grant.

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

SECTION 1. That the Finance Director if hereby authorized to set up the following budget within fund 116,

REVENUE

116-334512 \$30,642

EXPENDITURES

116-0714-5150-1201	Salaries	\$ 3,000
116-0714-5150-3106	Professional Services	\$ 22,642
116-0714-5150-4704	Printing & Binding	\$ 5,000
		<u>\$ 30,642</u>

SECTION 2. This Ordinance shall be effective upon final passage and shall not be codified.

PASSED and APPROVED on first reading this 17th day of January, 1990.

PASSED and ADOPTED on second and final reading this 7 day of February, 1990.

APPROVED:

*Clara K. Williams*  
MAYOR

*[Signature]*  
CHAIRMAN

[MUNICIPAL SEAL]

*Elizabeth K. Wade*  
CHAIRPERSON PRO TEM

ATTEST:

*Carrie E. Nord*  
CITY CLERK *Acting*

*[Signature]*

COUNCILMEMBERS

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELEASE OF THE CITY OF RIVIERA BEACH, FLORIDA

*[Handwritten signatures and initials]*

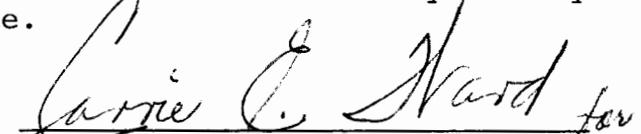
1st Reading  
MOTIONED BY: E. Wade  
SECONDED BY: A. Fox

2nd and Final Reading  
J. Cunningham  
A. Fox

J. Goode	aye	aye
A. Fox	aye	aye
E. Wade	aye	aye
J. McGann	aye	aye
J. Cunningham	aye	aye

CERTIFICATE OF PUBLICATION

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

  
Gwendolyn E. Davis, City Clerk

ORDINANCE NO. 2488

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 23 "ZONING" OF THE CODE OF ORDINANCES BY ASSIGNING THE ZONING FOR A 13.064 ACRE PARCEL DESCRIBED IN ATTACHMENT "A" AND MADE PART HEREOF, DIRECTING THE CITY CLERK TO UPDATE THE CITY'S ZONING MAP; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.041 F.S. provides procedures to amend the Zoning Ordinance; and

WHEREAS, legal notice and review procedures were followed in accordance with Section 166.041 (2)(c), (FS), which provides procedures for amendments affecting less than 5% of the City's total land area; and

WHEREAS, the zoning amendment is consistent with the City's Comprehensive Plan; and

WHEREAS, on February 8, 1990, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed Petitioner's request for proposed zoning at a Public Hearing, and forwarded recommendations to City Council; and

WHEREAS, on February 21, 1990, the City Council sitting as the Local Governing Body, reviewed the request and recommendations at a Public Hearing and voted to grant Petitioner's request.

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

SECTION 1. Chapter 23, "Zoning" of the Riviera Beach Code of Ordinances is amended by rezoning the referenced parcel of land, legally described in "Attachment A", from its present Palm Beach County zoning classification to the City's zoning classification of "CG"-General Commercial.

SECTION 2. That the City Clerk is authorized and directed to reflect upon the Zoning Map designated as the "Zoning Map of Riviera Beach, Florida" by hatching or other appropriate means of designating the changes effected under this Ordinance.

PASSED and APPROVED on first reading this 21st day of February, 1990.

PASSED and ADOPTED on second and final reading this 7th day of March, 1990.

APPROVED:

*Ann K. Williams*  
MAYOR

CHAIRMAN

*Christine K. Wood*  
CHAIRPERSON PRO TEM

[MUNICIPAL SEAL]

*Allen F.*

ATTEST:

*[Signature]*  
CITY CLERK

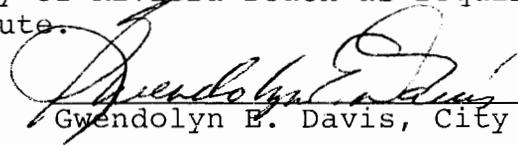
*[Signature]*  
COUNCILMEMBERS

MOTIONED BY: 1st Reading E. Wade 2nd and Final Reading J. Cunningham  
SECONDED BY: J. Cunningham J. McGann

J. Goode aye absent  
A. Fox aye aye  
E. Wade aye aye  
J. McGann absent aye  
J. Cunningham aye aye

CERTIFICATE OF PUBLICATION

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

  
Gwendolyn E. Davis, City Clerk

RECEIVED AS TO FORM AND SECURITY  
FOR THE USE AND CONTROL OF THE  
CITY OF RIVIERA BEACH, FLORIDA



AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA APPROPRIATING THE REMAINING FUNDS IN THE LEGAL SERVICES FUND IN THE AMOUNT OF \$6,484 AND SETTING UP THE BUDGET TO PAY FOR LEGAL SERVICES.

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

SECTION 1. That funds in the amount of \$6,484 are hereby appropriated in the Legal Services fund.

SECTION 2. That the Finance Director is hereby authorized to set up the following budget:

REVENUE

131-399-999 . . . . . Fund Balance . . . . . \$6,484

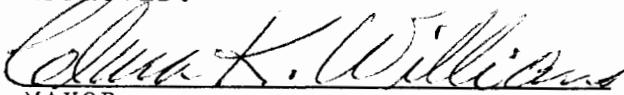
EXPENDITURE

131-0613-5140-3101 . . . Contract Services . . . . . \$6,484

PASSED AND APPROVED on first reading this 21st day of February, 1990.

PASSED AND ADOPTED on second and final reading this 7th day of March, 1990.

APPROVED:

  
MAYOR

CHAIRMAN

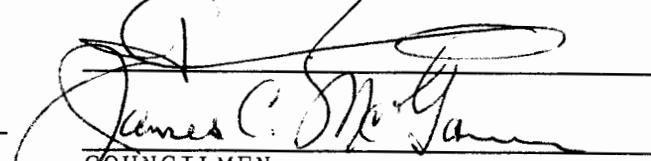
(MUNICIPAL SEAL)

  
CHAIRPERSON PRO-TEM



ATTEST:

  
CITY CLERK

  
COUNCILMEN

	1st Reading	2nd Reading
MOTIONED BY:	<u>J. Cunningham</u>	<u>J. McGann</u>
SECONDED BY:	<u>A. Fox</u>	<u>J. Cunningham</u>
J. GOODE:	<u>aye</u>	<u>absent</u>
A. FOX:	<u>aye</u>	<u>aye</u>
E. WADE:	<u>aye</u>	<u>aye</u>
J. MCGANN:	<u>absent</u>	<u>aye</u>
J. CUNNINGHAM:	<u>aye</u>	<u>aye</u>

ORDINANCE NO. 2490

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 23 "ZONING" OF THE CODE OF ORDINANCES BY REZONING A 14.5 ACRE PARCEL, LEGALLY DESCRIBED AS PLAT OF CONGRESS PARK HOMES III, (P.B. 58, ppg.58, 60,61) DIRECTING THE CITY CLERK TO UPDATE THE CITY'S ZONING MAP; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.041 F.S. provides procedures to amend the Zoning Ordinance; and

WHEREAS, legal notice and review procedures were followed in accordance with Section 166.041 (2)(c), (FS), which provides procedures for amendments affecting less than 5% of the City's total land area; and

WHEREAS, the zoning amendment is consistent with the City's Comprehensive Plan; and

WHEREAS, on February 22, 1990, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed Petitioner's request for proposed rezoning at a Public Hearing, and forwarded recommendations to City Council; and

WHEREAS, on March 7, 1990, the City Council sitting as the Local Governing Body, reviewed the request and recommendations at a Public Hearing and voted to grant Petitioner's request.

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

SECTION 1. Chapter 23, "Zoning" of the Riviera Beach Code of Ordinances is amended by rezoning the referenced parcel of land legally described as Plat of Congress Park Homes III, (P.B. 58, ppg. 58,60,61), from the City's zoning classification of "RS-6"-Single Family Dwelling District to the City's zoning classification of "IL"-Limited Industrial.

SECTION 2. That the City Clerk is authorized and directed to reflect upon the Zoning Map designated as the "Zoning Map of Riviera Beach, Florida" by hatching or other appropriate means of designating the changes effected under this Ordinance.

SECTION 3. That this Ordinance shall be effective upon final passage by the City Council on Second Reading.

PASSED and APPROVED on first reading this 7th day of March, 1990.

PASSED and ADOPTED on second and final reading this 21st day of March, 1990.

APPROVED: [Signature] MAYOR [Signature] CHAIRMAN

[MUNICIPAL] [Signature] CHAIRPERSON PRO TEM

ATTEST: [Signature] CITY CLERK [Signature] COUNCILMEMBERS

	1st Reading	2nd and Final Reading
<b>MOTIONED BY:</b>	<u>A. Fox</u>	<u>J. Cunningham</u>
<b>SECONDED BY:</b>	<u>J. McGann</u>	<u>A. Fox</u>
J. Goode	<u>absent</u>	<u>aye</u>
A. Fox	<u>aye</u>	<u>aye</u>
E. Wade	<u>aye</u>	<u>aye</u>
J. McGann	<u>aye</u>	<u>aye</u>
J. Cunningham	<u>aye</u>	<u>aye</u>

  
*J. Cunningham* 2/22/91

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10, ARTICLE II, DIVISION 1, OF SECTION 10-20.6, PARAGRAPH B OF THE CODE OF ORDINANCES OF RIVIERA BEACH, FLORIDA RELATING TO FEES BY REMOVING THE CHARGES FOR REMOVAL OF WHITE GOODS.

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

SECTION 1. BY AMENDING CHAPTER 10, ARTICLE II, DIVISION 1, OF SECTION 10-20.6(B) TO READ:

Residents may place the following household trash curbside in front of their residence for collection on designated collection day without charge. Household trash is defined as weeds, grass clippings, shrubs, tree trimmings, vines, appliances, couches, chairs, beds or other accumulation of refuse that may accumulate incidental to the keeping of an ordinary homesite in good order.

Trash does not include: earth, sod, rocks, trees or parts thereof measuring over 12 inches in diameter and/or longer than four (4) feet, roofing materials, plaster, scrap lumber, concrete, bricks or other substances that may accumulate as a result of repairs of improvements to land or buildings, or as a result of the clearing of lots, or as a result of building operations or as a result of a manufacturing process. Trash shall not include industrial processing wastes or hazardous materials such as paint, thinners, fuel of any type, acid type batteries, any combustible material or substance, automobiles, automobile bodies or large parts, not unusual to housekeeping or to the operation of stores or offices.

SECTION 2. This Ordinance shall take effect upon its final passage and adoption by the City Council and shall be codified.

PASSED AND APPROVED on first reading this 21st day of March, 1990.

PASSED AND APPROVED on second and final reading this  
4th day of April, 1990.

APPROVED:

Clara K. Williams MAYOR  
[Signature] CHAIRMAN

(MUNICIPAL SEAL)

[Signature] CHAIR PRO TEM

ATTEST:

[Signature]  
CITY CLERK

[Signature]

[Signature]  
COUNCIL MEMBERS

	Ist Reading	2nd Reading
MOTIONED BY:	<u>A. Fox</u>	<u>A. Fox</u>
SECONDED BY:	<u>E. Wade</u>	<u>E. Wade</u>

J. Goode	<u>aye</u>	<u>aye</u>
A. Fox	<u>aye</u>	<u>aye</u>
E. Wade	<u>aye</u>	<u>aye</u>
J. McGann	<u>aye</u>	<u>aye</u>
J. Cunningham	<u>aye</u>	<u>aye</u>

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

[Signature]  
CITY ATTORNEY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, RELATING TO THE RENEWAL OF A GAS FRANCHISE WITHIN THE CITY OF RIVIERA BEACH; GRANTING TO FLORIDA PUBLIC UTILITIES COMPANY, ITS SUCCESSORS AND ASSIGNS A GAS FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the grant by the City of Riviera Beach of a gas franchise for a term of thirty (30) years to Florida Public Utilities company expired on October 29, 1988, and is currently being extended through mutual agreement of the parties; and

**WHEREAS**, the City Council finds that it is in the best interest of the public to renew and update the gas franchise grant to Florida Public Utilities Company.

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

**SECTION 1:** The CITY OF RIVIERA BEACH, a municipal corporation of the State of Florida (hereinafter "GRANTOR"), hereby grants to FLORIDA PUBLIC UTILITIES COMPANY, a corporation of the State of Florida (hereinafter "GRANTEE"), its successors and assigns, for the term of thirty (30) years, beginning the first day of the first full calendar month following the date of filing by GRANTEE of acceptance of this franchise grant, the right, privilege and authority or franchise to construct or otherwise acquire and to own, maintain, equip and operate plants and works, and all necessary or desirable appurtenances thereto, for the manufacture, generation, purchase, transmission and distribution of artificial, natural and/or mixed gas (herein referred to generally as "gas"), including the right without the payment of GRANTEE of any tax, assessment or charges therefor to construct, lay, extend, maintain, renew, remove, replace, use and operate gas pipes and gas mains, and all appurtenances

and appendages thereto, in, under, on or across the present and future public streets, avenues, alleys, highways, bridges, easements and other public places within the present or any future corporate limits of the GRANTOR or its successors, for the purpose of distributing, supplying and selling gas to GRANTOR or its successors, and to persons and corporations inhabitants thereof, as well as to persons or corporations beyond the present or future corporate limits thereof, but nothing herein contained shall relieve GRANTEE from meeting all applicable requirements for the GRANTOR'S Building Code (which are not in conflict with the Florida Administrative Code and/or the Code of Federal Regulations requirements) and payment of any fees, licenses or ad valorem taxes.

**SECTION 2:** GRANTEE'S facilities shall be so located or relocated and so erected as to interfere as little as possible with traffic over said streets, avenues, alleys, highways, bridges, easements and other public places, and with reasonable egress from and ingress to abutting property. The location or relocation of all facilities shall be made under the supervision and with the approval of such representatives as the governing body of GRANTOR may designate for the purpose, but not so as unreasonably to interfere with the proper operation of GRANTEE'S facilities and service. When any portion of the GRANTOR'S property is excavated or disturbed by GRANTEE in the location of the GRANTOR'S property so excavated shall, within a reasonable time or as early as practicable after such excavation, be replaced by the GRANTEE at its expense and in as good condition as it was at the time of such excavation, and, in addition, such work shall be done only in the manner and pursuant to the regulations established by the ordinances of the GRANTOR. Upon failure of GRANTEE to do so after twenty (20) days written notice to said GRANTEE by GRANTOR, the GRANTOR may repair such portion

of the GRANTOR'S property that may have been excavated or disturbed by GRANTEE, and the cost of same shall be paid by GRANTEE. Nothing in this section shall be construed to make the GRANTOR liable to the GRANTEE for any cost or expense in connection with the construction, reconstruction or relocation of the GRANTEE'S facilities in streets, alleys, bridges, and public places of the GRANTOR made necessary by widening, paving, or otherwise improving such streets, alleys, bridges and public places, except that the GRANTEE shall be entitled to reimbursement of such costs and expenses from funds available from sources other than the GRANTOR as may be provided by law.

**SECTION 3:** At all times during the term of this franchise GRANTEE shall promptly and without discrimination furnish an adequate supply of gas of standard quality and pressure to GRANTOR and its successors, and to persons, corporations and inhabitants thereof who request the same and agree to abide by GRANTEE'S reasonable rules and regulations, and shall acquire, construct, maintain, equip and operate all necessary facilities for the manufacture, generation, purchase, transmission, supply and distribution of gas for the benefit and convenience of GRANTOR and its inhabitants. In any case where there is interruption or impairment of service, or failure to supply gas or pressure, GRANTEE shall promptly remedy such condition; provided that any interruption or impairment of service resulting from a strike, accident, an act of God, or other cause beyond the control of the GRANTEE shall, if remedied within a reasonable time period agreed to by the parties hereto, not constitute grounds for revoking and cancelling any rights hereunder.

**SECTION 4:** GRANTEE shall have the right to adopt and enforce rules and regulations with respect to the extension, initiation and rendering of gas service, including rules providing for the discontinuance of service to any customer for nonpayment of bills when due, or for failure to comply with the GRANTEE'S other

rules and regulations. All rates for gas and rules and regulations established by GRANTEE from time to time shall be those prescribed and approved by the Florida Public Service Commission.

**SECTION 5:** GRANTOR, and its officers, employees and agents shall not be liable or responsible for any accident or damage that may occur in the construction, operation, conduct or maintenance by the GRANTEE of its facilities or services hereunder, and the acceptance of this franchise grant shall be deemed an agreement of the part of the GRANTEE to protect, defend and indemnify the GRANTOR, and its officers, employees and agents and hold it harmless against any and all liability, loss, cost, damage or expense which may accrue to the GRANTOR by reason of the negligence, default, misconduct or otherwise of the GRANTEE in the construction, operation, conduct or maintenance of its facilities or services hereunder, excepting only the negligence of the GRANTOR.

**SECTION 6:** GRANTEE shall carry in full force and effect during the entire term of this agreement, and any extension period thereof, the following insurance coverages: (a) Comprehensive General Liability Insurance, including products, contractual, and hazard, with a minimum combined single limit of One Million Dollars (\$1,000,000) with specific provisions providing for the protection and indemnification of the GRANTOR with respect to any and all claims of any persons suffering injury, loss or damage to person or property by reason of the GRANTEE'S negligence, default, misconduct or otherwise in the construction or operation of GRANTEE'S gas system within the corporate limits of GRANTOR, excepting only those claims resulting from the negligence of GRANTOR. Current insurance certificates shall be submitted to the GRANTOR by GRANTEE, and each insurance policy shall contain a provision whereby the

company executing the same shall endeavor itself to notify the GRANTOR in writing at least thirty (30) days before any cancellation of such policy is to become effective. (b) Workers Compensation Insurance and Comprehensive Automobile Liability Insurance as required under the Florida Statutes for the benefit of the employees of GRANTEE.

**SECTION 7:** Within thirty (30) days after the first anniversary date of this grant within thirty (30) days after each succeeding anniversary date during the existence of this grant, the GRANTEE, its successors and assigns, shall pay or have paid to the GRANTOR or its successors a privilege tax equal to the amount by which six percent (6%) of its gross revenues (gross revenues being the amount collected less charge-off for uncollectible accounts and adjustments) from the sale of gas to residential and general service commercial customers within the corporate limits of GRANTOR for the twelve calendar months preceding the applicable anniversary date, shall exceed the amount of any other taxes, licenses or other impositions levied or imposed by GRANTOR against GRANTEE'S property, business or operations for the tax year preceding the beginning of the applicable privilege tax year.

Payment shall be made quarterly on or before the final day of each three calendar month period based upon one-fourth (1/4) of the total payments made in the preceding fiscal year. At the close of each fiscal year, an accounting shall be made to determine whether GRANTEE owes additional monies, which shall be paid not less than thirty (30) days after the close of said fiscal year, or whether GRANTEE is owed a refund, which shall be collected by offsetting the total amount of the refund from the next succeeding quarterly payment made to the GRANTOR.

**SECTION 8:** GRANTOR hereby reserves the right at and after the expiration of this grant to purchase the property of GRANTEE used under this franchise grant at a valuation to be determined by negotiation between the parties.

**SECTION 9:** In consideration of GRANTEE'S undertakings hereunder as evidenced by its acceptance hereof, the GRANTOR agrees not to engage in the business of distributing and selling gas during the life of this franchise or any extension thereof in competition with the GRANTEE, its successors and assigns.

**SECTION 10:** Failure on the part of GRANTEE to comply in any substantial respect with any of the provisions, covenants, terms or conditions of this ordinance, shall be grounds for a forfeiture of this grant, but no such forfeiture shall take effect if the reasonableness or propriety thereof is protested by GRANTEE until a court of competent jurisdiction (with right of appeal in either party) shall have found that GRANTEE has failed to comply in a substantial respect with any of the provisions of this franchise, and the GRANTEE shall have six (6) months after the final determination of the question, to make good the default before a forfeiture shall result with the right in GRANTOR at its discretion to grant such additional time to GRANTEE for compliance as necessities in the case require.

**SECTION 11:** GRANTEE by its acceptance hereof, which shall be filed with the GRANTOR'S City Clerk within thirty (30) days after the final passage of this ordinance, agrees to observe, perform and keep all of the agreements, covenants, terms and conditions hereof to be observed, performed and kept by GRANTEE. All of the terms, provisions and conditions hereof shall inure to and be binding upon the respective successors and assigns of the GRANTOR and GRANTEE.

**SECTION 12:** No assignment or transfer of the franchise rights granted hereby, shall be effective unless the GRANTEE shall have notified the GRANTOR in writing prior to the scheduled date of said assignment or transfer, and unless, after the filing of said notice, the GRANTOR shall have by ordinance approved and consented to such assignment or transfer, such approval and consent not to unreasonably withheld. The assignment or transfer of the franchise rights shall be subject

to any additional provisions and conditions, as agreed to between the parties, and as set forth in the ordinance approving the assignment or transfer.

**SECTION 13:** In the event of a final adjudication of bankruptcy of the GRANTEE, the GRANTOR shall have full power and authority to terminate, revoke, and cancel any and all rights granted under the provisions of this ordinance.

**SECTION 14:** Minor changes in the terms and conditions hereof may be made by written agreement between the GRANTOR and GRANTEE, provided, however, that this section shall not be construed as conferring authority to make changes in or modification of the provisions of this ordinance which would be repugnant to or inconsistent with the basic grant, factors or principles underlying the terms and conditions hereof.

**SECTION 15:** The accounts and records of the GRANTEE pertaining to gas service rendered under this franchise shall be maintained within the State of Florida, and GRANTOR may, at its option, upon reasonable notice to GRANTEE, at any time during the ninety (90) days after the close of each fiscal year of this grant, or at such other times as mutually agreed to between the parties, examine said accounts and records as such relate to the calculation of the franchise payment to the GRANTOR. Such examination of accounts and records of GRANTEE by GRANTOR shall be made during the regular business hours of the GRANTEE at the General Office of the GRANTEE.

The GRANTEE shall maintain its records in sufficient detail that revenues within the corporate limits of the GRANTOR are readily discernible from other revenues for auditing purposes. All examinations shall be at the sole expense of the GRANTOR. However, if the GRANTOR conducts an audit of the GRANTEE'S books and records, and substantial discrepancies are discovered which result in sums which should have been paid to GRANTOR, then the cost of such audit will be paid by GRANTEE.

**SECTION 16:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 17:** Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

**SECTION 18:** This ordinance shall take effect upon the first day of the first full calendar month following the date upon which the GRANTEE files its acceptance.

FIRST READING THIS 21st DAY OF March, 1990.

SECOND AND FINAL READING THIS 4th DAY OF April, 1990.

(CORPORATE SEAL)

CITY OF RIVIERA BEACH  
BY ITS CITY COUNCIL

ATTEST:

*[Signature]*  
CITY CLERK

*[Signature]*  
CHAIRMAN

*[Signature]*  
CHIEF PRO TEM

*[Signature]*  
MAYOR

*[Signature]*

*[Signature]*  
*[Signature]*

MOTIONED BY: J. Cunningham  
SECONDED BY: E. Wade

2ND AND FINAL READING  
E. Wade  
J. Cunningham

J. GOODE aye  
E. WADE aye  
A. FOX aye  
J. MCGANN aye  
J. CUNNINGHAM aye

aye  
aye  
aye  
aye  
aye

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**  
*[Signature]*  
CITY ATTORNEY

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE CITY COUNCIL ACCEPT FUNDS FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS IN THE AMOUNT OF \$5,108 FROM THE COMMUNITY SERVICES BLOCK GRANT FUND; AND TRANSFER MATCH OF \$149 FROM THE GENERAL FUND; AND AUTHORIZING THE DIRECTOR OF FINANCE TO SET UP A BUDGET FOR THE COMMUNITY SERVICES BLOCK GRANT IN THE AMOUNT OF \$5,108.

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

Section 1. That the City Council accept funds from the Florida Department of Community Affairs in the amount of \$5,108 from the Community Services Block Grant Fund;

Section 2. That a match of \$149 is transferred from the General Fund;

Section 3. That the Director of Finance is authorized to set up a budget for the Community Services Block Grant in the amount of \$5,108 as follows:

REVENUE

112-366-904	STATE GRANT	\$5,108.00
112-389-001	GENERAL FUND	149.00

EXPENDITURES

112-0202-5600-8302	RENTAL	3,750.00
112-0202-5600-8303	FOOD	1,297.00
112-0202-5600-4003	TRANS./CLIENTS	210.00

PASSED and ADOPTED this First Reading this 21st day of March, 1990.

PASSED and ADOPTED this Final Reading this 4th day of April, 1990. This Ordinance shall not be codified.

APPROVED:

Clara K. Williams  
MAYOR

[Signature]  
CHAIRMAN

ATTEST:

[Signature]  
CITY CLERK

[Signature]  
CHAIRMAN PRO-TEM

MOTIONED BY: E. Wade

SECONDED BY: J. McGann

James Goode Jr. aye  
Elizabeth Wade aye  
Allen Fox aye  
John Cunningham aye  
James McGann aye

Allen Fox  
[Signature]  
ATTORNEY AT LAW  
CITY ATTORNEY

ORDINANCE NO. 2494

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 23 "ZONING" OF THE CODE OF ORDINANCES BY ASSIGNING THE ZONING FOR A ONE (1) ACRE PARCEL DESCRIBED IN ATTACHMENT "A" AND MADE PART HEREOF, DIRECTING THE CITY CLERK TO UPDATE THE CITY'S ZONING MAP; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Section 163.3194 F.S. provides procedures to amend the Zoning Ordinance; and

**WHEREAS**, legal notice and review procedures were followed in accordance with Section 166.041 (2)(c), (FS), which provides procedures for amendments affecting less than 5% of the City's total land area; and

**WHEREAS**, on March 22, 1990, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed Petitioner's request for proposed zoning at a Public Hearing, and forwarded recommendations to City Council; and

**WHEREAS**, on April 18, 1990, the City Council sitting as the Local Governing Body, reviewed the request and recommendations at a Public Hearing and voted to grant Petitioner's request.

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

**SECTION 1.** Chapter 23, "Zoning" of the Riviera Beach Code of Ordinances is amended by assigning zoning for the referenced parcel of land, legally described in "Attachment A", from its present Palm Beach County zoning classification to the City's zoning classification of "CG"-General Commercial.

**SECTION 2.** That the City Clerk is authorized and directed to reflect upon the Zoning Map designated as the "Zoning Map of Riviera Beach, Florida" by hatching or other appropriate means of designating the changes effected under this Ordinance

**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, Florida, and the sections of this ordinance may be renumbered to accomplish such intentions."

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

**SECTION 5.** That all sections or parts of sections of the Code of Ordinances, all ordinances or part of ordinances, and all resolutions or parts of resolutions, in conflict herewith, be and the same are hereby repealed to extent of such conflict."

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

PASSED and APPROVED on first reading this 18th day of April, 1990.

PASSED and ADOPTED on second and final reading this 2nd day of May, 1990.

APPROVED:

Clara K. Williams  
MAYOR

Elizabeth Ryland  
CHAIRMAN

[MUNICIPAL SEAL]

James C. McGann  
CHAIRPERSON PRO TEM

ATTEST:

Gwendolyn E. Davis  
CITY CLERK

Melvinia Becton  
Margaret Confrey  
COUNCILMEMBERS

MOTIONED BY: 1st Reading  
A. Fox  
SECONDED BY: J. Cunningham

2nd and Final Reading  
J. Cunningham  
J. McGann

J. Goode	<u>aye</u>	M. Confrey	<u>aye</u>
A. Fox	<u>aye</u>	C. Becton	<u>aye</u>
E. Wade	<u>aye</u>		<u>aye</u>
J. McGann	<u>aye</u>		<u>aye</u>
J. Cunningham	<u>aye</u>		<u>aye</u>

CERTIFICATE OF PUBLICATION

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

Gwendolyn E. Davis  
Gwendolyn E. Davis, City Clerk

[Signature]

ATTACHMENT A

General Commercial-"CG" zoning is applied for to provide zoning designation for annexed parcel located in the previously described area, in conformance with the City's Comprehensive Plan.

**Legal Description:**

A parcel of land in the Southwest Quarter of Section 25, Township 42 South, Range 42 East, Palm Beach County, Florida, and being more particularly described as follows:

Commence at the Point of Intersection of the centerline of Military Trail and the centerline of Blue Heron Boulevard as shown on the survey recorded in Official Record Book 3011, Pages 1025 through 1028 inclusive, Public Records of Palm Beach County, Florida; then N 86°10'12" W, along said centerline of Blue Heron Boulevard, a distance of 64.43 feet; thence S 01°49'48" W, a distance of 60.00 feet to a point on the Southerly right of way line of Blue Heron Boulevard as said Southerly right of way line is described in O.R.B. 3011 Pages 1025 through 1028 inclusive, of said Public Records; said point also being the POINT OF BEGINNING of the following described parcel: Thence S 43°00'24" E a distance of 5.77 feet to a point on the Westerly right of way line of Military Trail as said Westerly right of way line is described in O.R.B. 3011, Pages 1025-1028 inclusive, of said Public Records; thence S 02°09'26" W, along said Westerly right of way line, a distance of 148.91 feet; thence S 88°10'12" E, along said Westerly right of way line, a distance of 4.00 feet; thence S 02°09'26" W, along said Westerly right of way line, a distance of 57.19 feet; thence N 88°10'12" W a distance of 210.19 feet; thence N 02°09'26" E a distance of 210.19 feet to a point on said Southerly right of way line of Blue Heron Boulevard; thence S 88°10'12" E along said Southerly right of way line of Blue Heron Boulevard, a distance of 202.10 feet to the POINT OF BEGINNING. Containing 1.00 acres, more or less.

ORDINANCE NO. 2495

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 23 "ZONING" OF THE CODE OF ORDINANCES BY ASSIGNING THE ZONING FOR A 61 ACRE PARCEL DESCRIBED IN ATTACHMENT "A" AND MADE PART HEREOF, DIRECTING THE CITY CLERK TO UPDATE THE CITY'S ZONING MAP; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Section 166.3194 F.S. provides procedures to amend the Zoning Ordinance; and

**WHEREAS**, legal notice and review procedures were followed in accordance with Section 166.041 (2)(c), (FS), which provides procedures for amendments affecting less than 5% of the City's total land area; and

**WHEREAS**, on March 22, 1990, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed Petitioner's request for proposed zoning at a Public Hearing, and forwarded recommendations to City Council; and

**WHEREAS**, on April 18, 1990, the City Council sitting as the Local Governing Body, reviewed the request and recommendations at a Public Hearing and voted to grant Petitioner's request.

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

**SECTION 1.** Chapter 23, "Zoning" of the Riviera Beach Code of Ordinances is amended by assigning zoning for the referenced parcel of land, legally described in "Attachment A", from its present Palm Beach County zoning classification to the City's zoning classification of "IG"-General Commercial.

**SECTION 2.** That the City Clerk is authorized and directed to reflect upon the Zoning Map designated as the "Zoning Map of Riviera Beach, Florida" by hatching or other appropriate means of designating the changes effected under this Ordinance

**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, Florida, and the sections of this ordinance may be renumbered to accomplish such intentions."

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

**SECTION 5.** That all sections or parts of sections of the Code of Ordinances, all ordinances or part of ordinances, and all resolutions or parts of resolutions, in conflict herewith, be and the same are hereby repealed to extent of such conflict."

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

PASSED and APPROVED on first reading this 18th day of April, 1990.

PASSED and ADOPTED on second and final reading this 2nd day of May, 1990.

APPROVED:

Alan K. Williams  
MAYOR

Elizabeth K. Wood  
CHAIRMAN

[MUNICIPAL SEAL]

James C. McGann  
CHAIRPERSON PRO TEM

ATTEST:

Gwendolyn E. Davis  
CITY CLERK

Cynthia Becton  
Margaret Confrey  
COUNCILMEMBERS

MOTIONED BY: 1st Reading  
E. Wade  
SECONDED BY: A. Fox

2nd and Final Reading  
J. McGann  
J. Cunningham

J. Goode	<u>aye</u>	M. Confrey	<u>aye</u>
A. Fox	<u>aye</u>	C. Becton	<u>aye</u>
E. Wade	<u>aye</u>		<u>aye</u>
J. McGann	<u>aye</u>		<u>aye</u>
J. Cunningham	<u>aye</u>		<u>aye</u>

**CERTIFICATE OF PUBLICATION**

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

Gwendolyn E. Davis  
Gwendolyn E. Davis, City Clerk

[Signature]  
1990

ATTACHMENT A

General Industrial - "IG" zoning is applied for to provide zoning designation for annexed parcels located in the previously described area, in conformance with the City's Comprehensive Plan.

**Legal Description:**

Beginning at the point of intersection with the East Right-of-Way line of Haverhill Road and the north Right-of-Way line of Dyer Boulevard as established and now in use; thence Northerly along the West section line of Section 36 to the Southwest corner of Section 25; thence Westerly to the point of intersection with the east Right-of-Way of Haverhill Road; thence Northwesterly along said Right-of-Way line to a point 150 ft. west of the west section line of section 25; thence northerly along a line parallel and 150 ft. west of said section line to the point of intersection with the Southeasterly Right-of-Way line of Seaboard Coast Line Railroad; thence Southeasterly to the point of intersection with the West section line of Section 25; thence Southerly along said section line a distance 481.74 feet; thence Easterly a distance of 390.68 feet; thence Northerly at an angle of 94 19' 38" with previous course a distance of 225.83 feet to the point of intersection with the Southeasterly Right-of-Way line of Seaboard Coast Line Railroad; thence Southeasterly along said railroad Right-of-Way line to the point of intersection with the Easterly line of Barbour Road; thence Southerly along said Right-of-way line to a point 570.00 feet North of the North Right-of-way line of Dyer Boulevard; thence Easterly and parallel with said Right-of-way 240.00 feet; thence Northerly and parallel with the centerline of Military Trail to the point of intersection with the Southwesterly Right-of-way line of Seaboard Coast Line Railroad; thence Southeasterly along said Southeasterly Right-Of-Way having a bearing South 53 41' 47" East 750 feet; thence North 88 06' 31" West 109.49 feet; thence South 01 53" 30" West a distance of 73.05 feet; thence North 88 06' 31" West a distance of 550.00 feet; thence South 01 53' 30" West a distance of 321.17 feet; thence North 88 30' 53" West a distance of 50.00 feet; thence North 01 53' 30" East a distance of 200 feet; thence Westerly a distance of 240.00 feet; thence Southerly along the East Right-of-way of Barbour Road 200.00 feet to the point of intersection with North Right-of-Way line of Dyer Boulevard; thence Westerly along the north Right-of-Way line of Dyer Boulevard returning to the point of beginning.

ORDINANCE NO. 2496

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 23 "ZONING" OF THE CODE OF ORDINANCES BY ASSIGNING THE ZONING FOR A 4.45 ACRE PARCEL DESCRIBED IN ATTACHMENT "A" AND MADE PART HEREOF, DIRECTING THE CITY CLERK TO UPDATE THE CITY'S ZONING MAP; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Section 163.3194 F.S. provides procedures to amend the Zoning Ordinance; and

**WHEREAS**, legal notice and review procedures were followed in accordance with Section 166.041 (2)(c), (FS), which provides procedures for amendments affecting less than 5% of the City's total land area; and

**WHEREAS**, on March 22, 1990, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed Petitioner's request for proposed zoning at a Public Hearing, and forwarded recommendations to City Council; and

**WHEREAS**, on April 18, 1990, the City Council sitting as the Local Governing Body, reviewed the request and recommendations at a Public Hearing and voted to grant Petitioner's request.

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

**SECTION 1.** Chapter 23, "Zoning" of the Riviera Beach Code of Ordinances is amended by assigning zoning for the referenced parcel of land, legally described in "Attachment A", from its present Palm Beach County zoning classification to the City's zoning classification of "IL"-Limited Industrial.

**SECTION 2.** That the City Clerk is authorized and directed to reflect upon the Zoning Map designated as the "Zoning Map of Riviera Beach, Florida" by hatching or other appropriate means of designating the changes effected under this Ordinance

**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, Florida, and the sections of this ordinance may be renumbered to accomplish such intentions."

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

**SECTION 5.** That all sections or parts of sections of the Code of Ordinances, all ordinances or part of ordinances, and all resolutions or parts of resolutions, in conflict herewith, be and the same are hereby repealed to extent of such conflict."

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

PASSED and APPROVED on first reading this 18th day of April, 1990.

PASSED and ADOPTED on second and final reading this 2nd day of May, 1990.

APPROVED:

Wm K. Williams  
MAYOR

Elizabeth K. Wade  
CHAIRMAN

[MUNICIPAL SEAL]

James C. McGann  
CHAIRPERSON PRO TEM

ATTEST:  
Gwendolyn E. Davis  
CITY CLERK

Hyacintha Becton

Margaret Confrey  
COUNCILMEMBERS

MOTIONED BY: J. Cunningham  
SECONDED BY: E. Wade

2nd and Final Reading  
J. Cunningham  
J. McGann

J. Goode	<u>aye</u>	M. Confrey	<u>aye</u>
A. Fox	<u>aye</u>	C. Becton	<u>aye</u>
E. Wade	<u>aye</u>		<u>aye</u>
J. McGann	<u>aye</u>		<u>aye</u>
J. Cunningham	<u>aye</u>		<u>aye</u>

**CERTIFICATE OF PUBLICATION**

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

Gwendolyn E. Davis  
Gwendolyn E. Davis, City Clerk

[Signature]

## ATTACHMENT A

Limited Industrial-"IL" zoning is applied for to provide zoning designation for annexed parcels located in the previously described area, in conformance with the City's Comprehensive Plan.

### Legal Description:

**Parcel A** - The East 150 feet of the East 340 feet of the following described property. The West 655 feet of the East 1,400.96 feet of the North  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  Section 36, Township 42 South, Range 42 East, Palm Beach County, Florida.

Together with **Parcel B** - The East 298.36 feet of the West 656 of the East 2096.96 feet of the North one-half (N  $\frac{1}{2}$ ) of the South one-half (S  $\frac{1}{2}$ ) of the North one-half (N  $\frac{1}{2}$ ) of the Northwest one-quarter (NW  $\frac{1}{4}$ ) of Section 36, Township 42 South, Range 42, East, Palm Beach County, Florida. Containing 2.276 acres, more or less. Less 0.274 acres more or less for road R/W. Less the Northernly 40 feet as described in ORB 445, page 315. Subject to easements, reservations, rights-of-way and restrictions of record.

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 23 "ZONING" OF THE CODE OF ORDINANCES BY ASSIGNING THE ZONING FOR A 8.64 ACRE PARCEL DESCRIBED IN ATTACHMENT "A" AND MADE PART HEREOF, DIRECTING THE CITY CLERK TO UPDATE THE CITY'S ZONING MAP; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Section 166.3194 F.S. provides procedures to amend the Zoning Ordinance; and

**WHEREAS**, legal notice and review procedures were followed in accordance with Section 166.041 (2)(c), (FS), which provides procedures for amendments affecting less than 5% of the City's total land area; and

**WHEREAS**, on March 22, 1990, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed Petitioner's request for proposed zoning at a Public Hearing, and forwarded recommendations to City Council; and

**WHEREAS**, on April 18, 1990, the City Council sitting as the Local Governing Body, reviewed the request and recommendations at a Public Hearing and voted to grant Petitioner's request.

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

**SECTION 1.** Chapter 23, "Zoning" of the Riviera Beach Code of Ordinances is amended by assigning zoning for the referenced parcel of land, legally described in "Attachment A", from its present Palm Beach County zoning classification to the City's zoning classification of "CG"-General Commercial.

**SECTION 2.** That the City Clerk is authorized and directed to reflect upon the Zoning Map designated as the "Zoning Map of Riviera Beach, Florida" by hatching or other appropriate means of designating the changes effected under this Ordinance

**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, Florida, and the sections of this ordinance may be renumbered to accomplish such intentions."

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

**SECTION 5.** That all sections or parts of sections of the Code of Ordinances, all ordinances or part of ordinances, and all resolutions or parts of resolutions, in conflict herewith, be and the same are hereby repealed to extent of such conflict."

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

PASSED and APPROVED on first reading this 18th day of April, 1990.

PASSED and ADOPTED on second and final reading this 2nd day of May, 1990.

APPROVED:

\_\_\_\_\_  
MAYOR

[MUNICIPAL SEAL]

ATTEST:

Gwendolyn E. Davis  
CITY CLERK

Elizabeth K. Utter  
CHAIRMAN

James C. McGann  
CHAIRPERSON PRO TEM

Hyacinthia Becton

Margaret Confrey  
COUNCILMEMBERS

MOTIONED BY: 1st Reading  
E. Wade

SECONDED BY: J. McGann

2nd and Final Reading  
J. Cunningham  
J. McGann

J. Goode	<u>aye</u>	M. Confrey	<u>aye</u>
A. Fox	<u>aye</u>	C. Becton	<u>aye</u>
E. Wade	<u>aye</u>		<u>aye</u>
J. McGann	<u>aye</u>		<u>aye</u>
J. Cunningham	<u>aye</u>		<u>aye</u>

**CERTIFICATE OF PUBLICATION**

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

Gwendolyn E. Davis  
Gwendolyn E. Davis, City Clerk

[Signature]

ATTACHMENT A

General Commercial - "CG" zoning is applied for to provide zoning designation for annexed parcels located in the previously described area, in conformance with the City's Comprehensive Plan.

LEGAL DESCRIPTION:

The South Two-Thirds (S2/3), of the West one-half (W1/2), of the Southwest one quarter (SW1/4), of the Southeast one quarter (SE1/4), of Section 36, Township 42 South, Range 42 East, PALM BEACH COUNTY, FLORIDA, less the East 100 feet thereof, less the South 267.00 feet, and the East 100 feet thereof and less the Right-of-Way of Military Trail as currently established.

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE DEPARTMENT OF RECREATION & PARKS DIVISION BUDGET BY ADDING THE CLASSIFIED POSITION OF CARPENTER AND DELETING ONE CLASSIFIED POSITION OF MAINTENANCE MECHANIC THERETO.

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

SECTION 1. That the Department of Recreation & Parks Division's budget be amended by adding the classified position of Carpenter and deleting one classified position of Maintenance Mechanic thereto.

SECTION 2. This ordinance shall take effect upon its final passage and adoption by the City Council and shall not be codified.

PASSED and APPROVED on first reading this 16th day of May 1990.

PASSED and ADOPTED on second and final reading this 6 day of June, 1990.

APPROVED:

Clark K. Williams MAYOR Elizabeth K. Wood CHAIRPERSON

ATTEST:

Carrie L. Hard CITY CLERK James C. McGann CHAIRMAN PRO TEM

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF RIVIERA BEACH, FLORIDA

[Signature] 5-18-1990

Hyacinthia Becton  
Margaret Confrey  
COUNCIL MEMBERS

1st Reading

2nd Reading

Motioned by: J. McGann  
Seconded by: J. Cunningham  
E. Wade aye  
J. McGann aye  
J. Cunningham aye  
C. Becton aye  
M. Confrey aye

C. Becton  
J. McGann  
aye  
aye  
absent  
aye  
aye

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING ARTICLE III, CHAPTER 18, OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH AND THEREBY LEVYING A SEVEN PERCENT (7%) TAX ON THE PURCHASE OF TELECOMMUNICATION (SERVICES); PROVIDING FOR IMPLEMENTING FLORIDA STATUTE SECTION 166.231; REPEALING ALL AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING AN EFFECTIVE DATE THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA THAT SECTION 18-29, ARTICLE III, CHAPTER 18 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION ONE

"Sec. 18-29. Tax levied; amount; how paid

There is hereby levied by the City of Riviera Beach, Palm Beach County, Florida, on each and every purchase in said city of water, electricity, ~~telephone-(service)~~, metered or bottled gas (natural or manufactured), and fuel oil, a ten percent (10%) tax and on telecommunication services a seven percent (7%) tax on the charges made by the seller thereof, which tax, shall in every case, be paid by the purchaser, for the use of said city, to the seller of such water, electricity, telephone (service) or gas at the time of paying the charge thereof to the seller thereof, but not less often than monthly."

SECTION TWO

The telecommunications tax imposed herein shall be applied pursuant to Section 166.231 of the Florida Statutes.

SECTION THREE

Any and all references to a tax on "telephone (services)" are hereby deleted from Article III of Chapter 18 of the City Code.

SECTION FOUR

This ordinance shall become effective 120 days from the date of its passage and adoption by the City Council.

SECTION FIVE

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, Florida, and the sections of this ordinance may be renumbered to accomplish such intentions.

SECTION SIX

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 SEVEN

PAGE 2  
ORD. # 2499

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.

PASSED AND APPROVED on First Reading this 6th day of June, 1990.

PASSED AND ADOPTED on Second and Final Reading this 20th day of June, 1990.

APPROVED:

Clara K. Williams  
MAYOR

Christine K. Kunkel  
CHAIRPERSON

(MUNICIPAL SEAL)

James C. McGann  
CHAIRPERSON PRO TEM

ATTEST:

Dorothy L. Leland  
CITY CLERK

Hyacinthia Becton  
Margaret Confrey  
COUNCILMEMBERS

MOTIONED BY:	<u>J. McGann</u>	<u>J. Cunningham</u>
SECONDED BY:	<u>C. Becton</u>	<u>J. McGann</u>
C. Becton:	<u>aye</u>	<u>aye</u>
E. Wade:	<u>aye</u>	<u>aye</u>
M. Confrey:	<u>aye</u>	<u>aye</u>
J. McGann:	<u>aye</u>	<u>aye</u>
J. Cunningham:	<u>aye</u>	<u>aye</u>

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

C. J. [Signature]  
CITY ATTORNEY

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA INCREASING THE MARINA OPERATING BUDGET BY \$200,000 TO APPROPRIATE REVENUE GENERATED BY ADDITIONAL FUEL SALES.

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

SECTION 1

The funds in the amount of \$200,000 are hereby appropriated in the Marina Operating budget.

SECTION 2

The Finance Director is hereby authorized to increase the Marina Operating budget as follows:

Revenue Increase

420-0000-343-210 . . . Fuel Sales . . . . . \$200,000

Expenditure Increases

420-0000-5430-1201 . . Salaries and Wages . . \$ 25,000  
420-0000-5430-5202 . . Operational Supplies-Fuel 175,000

PASSED AND APPROVED on First Reading this 20th day of June, 1990.

PASSED AND ADOPTED on Second and Final Reading this 18th day of July, 1990.

APPROVED:

Clay K. Williams  
MAYOR

Shirley K. Wood  
CHAIRPERSON

(MUNICIPAL SEAL)

James C. McGann  
CHAIRPERSON PRO-TEM

[Signature]  
CITY CLERK

Hyacinthia Becton

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**

[Signature]  
CITY ATTORNEY

[Signature]  
COUNCILMEMBERS

1st Reading

2nd & Final Reading

MOTIONED BY: J. Cunningham  
SECONDED BY: J. McGann

C. Becton  
J. Cunningham

C. Becton: aye  
E. Wade: aye  
M. Confrey: aye  
J. McGann: aye  
J. Cunningham: aye

aye  
aye  
aye  
aye  
aye