

ORDINANCE NO. 2613

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3, OF SECTION 2-100 OF THE CODE OR ORDINANCES OF RIVIERA BEACH, FLORIDA, RELATING TO RATES OF PAY AND SALARY SCHEDULE BY INCREASING THE SALARY OF GENERAL EMPLOYEES REPRESENTED BY THE INTERNATIONAL BROTHERHOOD OF FIREMEN & OILERS COLLECTIVE BARGAINING AGREEMENT; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 2-100 of Chapter 2, Article VI, Division 3, of the Code or Ordinances of Riviera Beach, relating to rates of pay and salary schedule be amended by increasing the salary of certain general employees represented by the International Brotherhood of Firemen and Oilers Collective Bargaining Agreement as follows:

(A) For the 92-93 and 1993-'94 Contract year effective July 1, 1993 each employee's wages will be increased by three (3%) percent. There will be no further wage adjustments during the 1993/94 fiscal year.

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

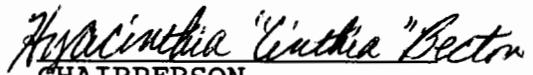
PASSED AND APPROVED on first reading this NOVEMBER
17TH day of 1993.

Signatures on next page.....

PASSED AND ADOPTED on second and final reading this
1ST day of DECEMBER, 1993.

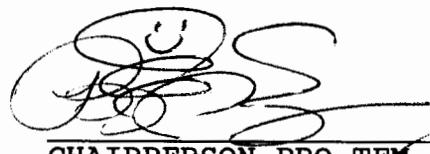
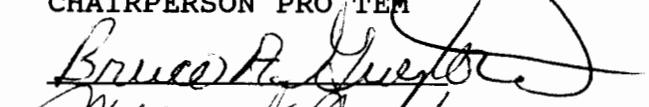
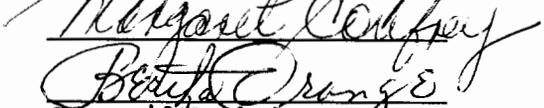
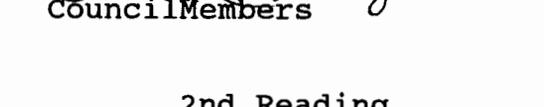
APPROVED:


MAYOR


CHAIRPERSON

ATTEST:


CITY CLERK

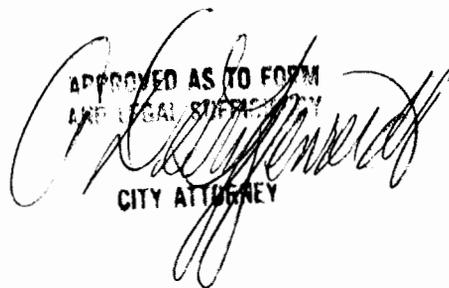

CHAIRPERSON PRO TEM



Council Members

1st Reading

2nd Reading

Motioned by: B. GUYTON
Seconded by: M. CONFREY
C. Becton: AYE
B. Rodriguez: AYE
B. Guyton: AYE
B. Orange: AYE
M. Confrey: AYE

B. ORANGE
B. RODRIGUEZ
AYE
AYE
OUT
AYE
AYE


APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
CITY ATTORNEY

CITY OF RIVIERA BEACH
PAGE 5
EFFECTIVE: 07 /01/93

GENERAL EMPLOYEES

	MINIMUM	MAXIMUM
G-15		
OUR	7.1281	11.0949
EEK	285.1232	443.7953
ANNUAL	14,826.1887	23,077.1595
G-16		
HOUR	7.2933	11.2473
WEEK	291.7327	449.8883
ANNUAL	15,169.8329	23,393.8955
G-17		
HOUR	7.4624	11.6256
WEEK	298.4912	465.0235
ANNUAL	15,521.3602	24,181.0595
G-18		
HOUR	7.6369	11.8998
WEEK	305.4794	475.9933
ANNUAL	15,884.9588	24,751.7191
G-19		
HOUR	7.8152	12.1821
WEEK	312.6051	487.2843
ANNUAL	16,255.1783	25,338.5464
G-20		
HOUR	7.9975	12.4717
WEEK	319.9030	498.8624
ANNUAL	16,634.8415	25,940.9335
G-21		
HOUR	8.1851	12.7667
WEEK	327.4074	510.6698
ANNUAL	17,025.0385	26,554.6346

CITY OF RIVIERA BEACH
PAGE 6
EFFECTIVE: 07/01/93

GENERAL EMPLOYEES

	MINIMUM	MAXIMUM
G-22		
HOUR	8.3772	13.0702
WEEK	335.0955	522.8100
ANNUAL	17,424.7136	27,185.8460
G-23		
HOUR	8.5739	13.3816
WEEK	342.9557	535.2601
ANNUAL	17,833.8553	27,833.4547
G-24		
HOUR	8.7758	13.7005
WEEK	351.0339	548.0199
ANNUAL	18,253.7947	28,497.1970
G-25		
HOUR	8.9823	14.0277
WEEK	359.2956	561.1126
ANNUAL	18,683.1893	29,177.6693
G-26		
HOUR	9.4113	14.7062
WEEK	376.4503	588.2502
ANNUAL	19,575.4155	30,588.9765
G-27		
HOUR	9.8631	15.4189
WEEK	394.5230	616.7534
ANNUAL	20,514.9865	32,071.2545
G-28		
HOUR	10.3359	16.1673
WEEK	413.4332	646.6909
ANNUAL	21,498.7695	33,627.8542

CITY OF RIVIERA BEACH
PAGE 7
EFFECTIVE: 07/01/93

GENERAL EMPLOYEES

	MINIMUM	MAXIMUM
G-29		
HOUR	10.6850	16.9553
WEEK	427.3980	678.2118
ANNUAL	22,534.6475	35,267.1864
G-30		
HOUR	11.3568	17.7823
WEEK	454.2717	711.2934
ANNUAL	23,622.0927	36,987.3578
G-31		
HOUR	11.9067	18.6845
WEEK	476.2687	747.3813
ANNUAL	24,765.8559	38,863.7802
G-32		
HOUR	12.4837	19.5631
WEEK	499.3443	782.5283
ANNUAL	25,965.9253	40,691.2171
G-33		
HOUR	13.0900	20.5214
WEEK	523.6017	820.8652
ANNUAL	27,227.2811	42,684.6928
G-34		
HOUR	13.7277	21.5289
WEEK	549.1100	861.1528
ANNUAL	28,553.6410	44,779.9031
G-35		
HOUR	14.3964	22.5877
WEEK	575.8576	903.5060
ANNUAL	29,944.4543	46,982.3100

CITY OF RIVIERA BEACH
PAGE 8
EFFECTIVE: 07/01/93

GENERAL EMPLOYEES

	MINIMUM	MAXIMUM
-36		
HOURLY	15.1000	23.6998
WEEK	603.9934	947.9934
ANNUAL	31,407.9024	49,295.6658





ORDINANCE NO. 2614

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3, OF SECTION 2-100 OF THE CODE OF ORDINANCES OF RIVIERA BEACH, FLORIDA, RELATING TO RATES OF PAY AND SALARY SCHEDULE BY INCREASING THE SALARY OF SUPERVISORY AND CONFIDENTIAL EMPLOYEES, PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: That Section 2-100 of Chapter 2, Article VI, Division 3, of the Code of Ordinances of Riviera Beach, relating to rates of pay and salary schedule be amended by increasing the salary of Supervisory and Confidential employees as follows:

(A) For the 92-93 and 1993-'94 fiscal year effective July 1, 1993 each employee's wages will be increased three (3%) percent. There will be no further wage adjustments during the 1993/94 fiscal year.

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

PASSED and APPROVED on first reading this 17TH day of NOVEMBER 1993.

PASSED and ADOPTED on the second and final reading this 1ST day of DECEMBER, 1993.

Signatures on next page.....

APPROVED:

Clara K. Williams
MAYOR

Hyacinthia "India" Becton
CHAIRPERSON

ATTEST:

Stenodynn Davis
CITY CLERK

[Signature]
CHAIRPERSON PRO TEM

Bruce A. Guyton
Margaret Confrey
Bertha Orange
Council Members

1st Reading

2nd Reading

Motioned by: B. GUYTON
Seconded by: B. ORANGE
C. Becton: AYE
B. Rodriguez: AYE
B. Guyton: AYE
B. Orange: AYE
M. Confrey: AYE

B. ORANGE
B. RODRIGUEZ
AYE
AYE
OUT
AYE
AYE

[Signature]
CITY ATTORNEY

SUPERVISORY AND CONFIDENTIAL
 SALARY SCHEDULE
 1993-94

GRADE	CLASSIFICATION	SALARY	
G11	Clerk Typist II (Personnel Dept.)	13,529 -	21,028
G24	Administrative Secretary (Finance & Personnel Department)	18,254 -	28,497
G25	Librarian I Marina Foreman Parks Foreman Public Works Foreman I	18,683 -	29,178
G26	Emergency Communications Supervisor	19,575 -	30,589
G27	Aquatics Supervisor Recreation Supervisor	20,515 -	32,071
G28	Administrative Aide Librarian II Utility Billing Office Manager	21,499 -	33,628
G29	Public Works Foreman II	22,535 -	35,267
G30	Water Service Foreman Water/Sewer Systems Foreman	23,622 -	36,987
G31	Legal Assistant Parks Superintendent Public Works Foreman III	24,766 -	38,864
G33	Data Processing Manager Paralegal/Administrative Assistant Personnel Specialist Water Plant Supervisor	27,227 -	42,685
G36	Water/Sewer Systems Superintendent	31,408 -	49,296
P34	Police Captain	29,410 -	46,340

AN ORDINANCE OF THE CITY OF RIVIERA BEACH RELATING TO SANITARY SEWERS REPEALING ARTICLE V, "WASTEWATER DISPOSAL SYSTEM", DIVISION 1 "GENERALLY" AND DIVISION 3 "SEWER USE AND RESTRICTION" OF CHAPTER 20 OF THE CODE OF THE CITY; AMENDING CHAPTER 20 OF THE CODE OF THE CITY; PROVIDING A PURPOSE; PROVIDING DEFINITIONS; REQUIRING USE OF SANITARY SEWER SYSTEM (CRBSS); PROHIBITING AND LIMITING CERTAIN DISCHARGES TO CRBSS; REQUIRING INDUSTRIAL MONITORING AND PRETREATMENT; PROVIDING FOR POWERS AND AUTHORITY OF INSPECTIONS; PROVIDING PENALTIES; PROVIDING CIVIL REMEDIES; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR CONFIDENTIALITY; PROVIDING FOR PUBLIC NOTICE; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICT CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Riviera Beach, Florida is empowered to manage, operate, and control a wastewater collection, transmission, treatment and disposal system; to require industrial surcharges and pretreatment to charge connection fees; and to require and regulate connection to such wastewater system, pursuant to Section 153, Florida Statutes, and the Federal Water Pollution Control Act, also known as the Clean Water Act as amended, 33 USC 1251, et seq (the Act); and

WHEREAS, state law provides that the City shall have all special and necessary power to develop and operate regional sewage treatment facilities in accordance with Federal law, State law, and existing or future interlocal agreements, exclusive of municipal sewage systems; and

WHEREAS, the City Council hereby finds and determines that the regulation adopted by this ordinance are the least restrictive means necessary to achieve the aforementioned goals and promote and protect the public health, safety and environment of the citizens of the City of Riviera Beach; and

WHEREAS compliance with the ordinance does not eliminate the responsibility of complying with other applicable EPA and/or DER regulations.

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

SECTION 1. This ordinance is adopted by the City of Riviera Beach for the purpose of maintaining efficient, economic and safe operation of the City of Riviera Beach Sewer System ("CRBSS"), and for the protection of the health, safety, environment and general welfare of the public within all of the City. This ordinance is intended to prevent and abate pollution through the regulation and control of connections to the CRBSS for the collection, conveyance, treatment and disposal of wastewater through appropriate regulation and enforcement. The prohibitive discharge standard contained herein were developed under the authority of Section 3067 (b) of the

of the Clean Water Act and 40 CFR, Section 403 (Pretreatment Regulations).

SECTION 2. CHAPTER 20, ARTICLE V, "Wastewater Disposal System", Division 1 "Generally" and Division 3 "Sewer Use Restriction" of the Code of the City of Riviera Beach is repealed and Chapter 20 is amended to provide as follows:

Section 20-95 - Definitions

The following definitions shall apply to the provision of this ordinance:

(a) Biochemical Oxygen Demand ("BOD") means the quantity of oxygen utilized in the biochemical oxidation of organic matter.

(b) Building sewer means the conduit or pipe which conveys wastewater from the plumbing drain system of a building to public sewer or other place of disposal.

(c) Chemical Oxygen Demand ("COD") means a measure of the oxygen equivalent of that portion of the organic matter in a water sample that is susceptible to oxidation by strong chemical oxidant.

(d) Chlorine requirement means the amount of chlorine, in milligrams per liter ("mg/l"), which must be added to wastewater to produce a specified residual chlorine content or to meet some other standard.

(e) Connected system means a publically-owned or privately-owned wastewater collection system that connects to an discharges into a CRBSS for purposes of treatment and disposal.

(f) CFR means the Code of Federal Regulations.

(g) Department of Environmental Regulation ("DER") means the State of Florida Department of Environmental Regulation (Chapter 75-22, Laws of Florida) or, where appropriate, the term may also be used as a designation for the Secretary or other duly authorized official of said agency.

(h) Director means the Director of the Riviera Beach Department of Water and Sewer or his duly authorized representative.

(i) Discharge means disposal of, deposit, place, emit, unload, release, or cause or allow to be disposed of, deposited, placed, emitted, unloaded or released.

(j) Domestic waste means any superfluous solid, liquid, or gaseous material derived principally from the use of sanitary convenience of residences (including apartments and hotels), office buildings, industrial plants, institutions or commercial establishments.

(k) Enforcement actions means those actions taken by the City of Riviera Beach in response to violations of this ordinance.

(l) Environmental Protection Agency ("EPA"). means the United States Environmental Protection Agency, 5 U.S.C. 903 (1970), or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

(m) Food waste means any superfluous solid material produced either from the domestic or commercial preparation, cooking, consumption, or dispensing of food, or from the handling, storage, or sale of produce.

(n) Industrial user means any User discharging industrial waste into the CRBSS or a connected system.

(o) Industrial waste means food waste, other waste, or any superfluous solid, liquid, or gaseous material resulting from manufacturing or commercial processes, or from natural resource development, recovery, or processing.

(p) Industrial waste surcharge mean an additional service charge assessed against CRBSS Industrial Users whose wastewater characteristics exceed established surcharge limits.

(q) Industrial wastewater discharge permit ("Permit") means written authorization from the Director of the City of Riviera Beach Department of Water and Sewer to discharge industrial wastewater to the CRBSS or a connected system, setting certain conditions and/or restrictions on such discharge.

(r) Interference means the inhibition of disruption of the CRBSS, its treatment processes or operations, or its sludge processes, use, or disposal which is a cause of or significantly contributes to either a violation of any requirement of the City of Riviera Beach's National Pollution Discharge Elimination System ("NPDES") Permit or to the prevention of sludge use or disposal by the CRBSS in accordance with any criteria, guidelines, or regulations developed pursuant to the Clean Water Act, Solid Waster Disposal Act, as amended (42 U.S.C. 3251 et seq.) ("SWDA"), the Clean Air Act, as amended (42 U.S.C. 7401 et seq.), The Toxic Substances Control Act, as amended (15 U.S.C. 2601 et seq.), or more stringent state criteria (including those contained in the State of Florida sludge management plan prepared pursuant to Title IV of the SWDA) applicable to the method of disposal or use employed by the CRBSS.

(s) National categorical pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Act (22 U.S.C. 1347) which applied to a specific category of Industrial Users.

(t) New source means any source, the construction of which is commenced after the adoption of this ordinance.

(u) Non-contact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(v) NPDES permit means a permit issued pursuant to Section 402 of the Act (33 U.S.c. 1342).

(w) Other waste means municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil tar, chemicals, and all other substances as distinct from domestic waste, industrial waste, or food waste.

(x) Pass through means the discharge of pollutants through the CRBSS in quantities or concentrations which cause the effluent therefrom, or any other product from the plant, or the water or groundwater into which it is discharged, to violate applicable state or federal standards. An Industrial User significantly contributes to such violation where it:

(1) discharges a daily pollutant loading in excess of that allowed by permit with the CRBSS or by federal, state, or local law; or

(2) discharges wastewater which substantially differs in nature and constituents from the user's average discharge; or

(3) knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or

(4) knows or has reason to know that the CRBSS is, for any reason, violating its final effluent limitations in its permit and that such Industrial User's discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the CRBSS's violations.

(y) Person means individual, corporation, firm, company, joint venture, partnership, sole proprietorship, association, or any other business entity, any State or political subdivision therefor, any municipality, any interstate body and any department, agency, or instrumentality of the United States and any officer, agent, or employee thereof, and any organized group of persons whether incorporated or not.

(z) pH means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter (g/l) of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

(aa) City of Riviera Beach Sewer System ("CRBSS") means all facilities for collecting, pumping, treating, and disposing of wastewater and wastewater sludge which are owned and controlled by the City of Riviera Beach.

(bb) Pollutant means dredged spoil, solid waste, incinerator residue, garbage, sludge, munitions, chemical wastes, biological materials, radioactive

materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

(cc) Pollution means the man-made or man-included alteration of the chemical, physical, biological, and radiological integrity into water.

(dd) Pretreatment means the reduction of the amount of pollutants, the eliminatin of pollutants, or the alteration of the nature pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the CRBSS. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by CFR Section.

(ee) Pretreatment standards means, for any specified pollutant, the City of Riviera Beach prohibitive discharge standards as set forth in this ordinance, the State of Florida's pretreatment standards, or the National Categorical Pretreatment Standards, whichever standard is the most stringent.

(ff) RCRA means the Recourse Conservation and Recovery Act.

(gg) Sanitary sewer means a sewer carrying domestic, commerical and industrial wastes, to which storm, surface, and groundwater are not intentionally admitted.

(hh) Sewer means a pipe or conduit designed for carrying wastewater.

(ii) Significant industrial user mean:

(1) all dischargers subject to Categorical Pretreat standards under 40 CFR Section 403.6 and 40 CFR chapter I, Sub chapter N; and

(2) all noncategorical dischargers that, in the opinion of the City, have a reasonable potential to adversely affect the POTW's operation, or that contribute a process wastestream which makes up 5 percent or more of the average dry weather capacity of the treatment plant, or that discharge an average of 25,000 a gallons per day or more of process wastewater to the CRBSS. However, the City need not designate as Significant any noncategorical Industrial User that, in the opinion of the City and with the agreement of the EPA, has no potential for adversely affecting the CRBSS operation or for violating any pretreatment standard or requirement. The agreement of EPA is not necessary in cases where the noncategorical discharger would have been designated as significant only because of an average discharge of 25,000 gallons per day or more of process wastewater.

(3) any noncategorical Industrial User designated as Significant may petition the City to be deleted from the list of Significant Industrial users on the grounds that it has no potential for adversely affecting the CRBSS' operation or violating any pretreatment standard or requirement.

(jj) Significant non-compliance means:

(1) violations of wastewater discharge limits:

(a) Chronic violations. Sixty-six percent or more of the measurement exceed the same daily maximum limit or the same average limit in a 6-month period (any magnitude of exceedance).

(b) Technical Review Criteria (TRC) violations. Thirty-three percent or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a 6-month period.

There are two groups of TRCS:

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

TRC=1.4

Group II for all other pollutants

TRC-1.2

(c) Any other violation(s) of an effluent limit (average or daily maximum) than the Director believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through; or endangered the health of the sewage treatment personnel or public.

(d) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the CRBSS exercise of its emergency authority to halt or prevent such a discharge.

(2) violations of compliance schedule milestones, contained in a permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

(3) failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (Baseline monitoring reports, 90-day compliance reports, and periodic reports) within 30 days from the due date.

(4) failure to accurately report non-compliance.

(5) any other violation or group of violations that the Director considers to be significant.

(kk) Significant violation means a violation which remains uncorrected 45 days after notification of non-compliance; which is part of a pattern of non-compliance over a twelve month period; which involves a failure to accurately report non-compliance; or which resulted in the Director exercising emergency authority under Section 9 (a) of this ordinance.

(ll) Sludge means any solid or semisolid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

(mm) Slug means any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, five (5) times the average twenty-four (24) hour concentration or flow during normal operation and which causes interference with the performance of CRBSS.

(nn) Suspended solids means tiny particles of solids dispersed but undissolved in a solid, liquid, or gas, which are removable by laboratory filtration.

(oo) User means any person who discharges, causes, or allows the discharge of wastewater into the SRBSS or any connected system.

(pp) Wastewater means domestic or industrial waste, together with any other water that may be present.

Sec. 20-16 Use of Sanitary Sewers, Treatment, and Connection to CRBSS Required.

(a) Unsanitary disposal prohibited. It shall be unlawful for any person to dispose or untreated wastewater or allow untreated wastewater to be disposed of in any unsanitary manner on any property, public or private, in the City of Riviera Beach.

(b) Surface/groundwater discharge regulated. It shall be unlawful for any person to discharge into any watercourse, pond, ditch, lake, or other body of surface or groundwater, any wastewater or other polluted waters, except where treatment has been provided in accordance with provisions of this ordinance, or other applicable state and federal laws.

(c) Septic tanks regulated. Except as provided by state law or city ordinance or rules and regulations adopted pursuant thereto, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the treatment or disposal of wastewater.

(d) Sanitary facilities required. The owner or occupant of any house, building or property used for human occupancy, employment, recreation, or other purposes situated within the City of Riviera Beach and abutting on any street, alley, easement, or right-of-way in which there are located available sanitary sewers, is hereby required, at this expense, to install suitable toilet facilities therein and to connect such facilities directly with the available sanitary sewer in accordance with the provisions of this ordinance, within one hundred eighty (180) days after sewer service is available, provided that the available sewer is within one hundred (100) feet of the property line. In those cases where there is an available sewer within one hundred (100) feet of the property line but connection would cause undue hardship for such reasons as the topography of the property or length of pipe necessary to connect with the sewer, the City Council of the City of Riviera Beach is

authorized to grant exceptions to this requirement provided that the property meets applicable federal, state and local regulations for the alternative wastewater disposal method to be used.

(e) Connection required. At such time as a sanitary sewer becomes available to a property served by a private individual wastewater disposal system (such as a septic tank or sand filter), a direct connection shall be made to the sewer in compliance with this ordinance within one hundred eighty (180) days and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned and their further use for any purposes prohibited. An abandoned septic tank, when declared to be a hazard by the City of Riviera Beach or Palm Beach County shall be (1) pumped out, (2) the bottom suitably opened or ruptured so as to prevent the tank from retaining water, and (3) filled with clean sand or other suitable material, the actions being taken in the order listed.

All lands, buildings and structures which can use the facilities and services of the City sewer system must connect with and use the facilities and services of such system. If the owners of the lands, building and structures do not connect with and use the system, they shall be required to pay the rates as set out under monthly rates in section 20-180 et seq. It shall be unlawful for any person to connect or reconnect, or to cause a connection or reconnection to be made with the sewerage system of the city without first having made application for same and obtained a permit from the water and sewer departments. Connections without a permit will be uncovered at the cost of the owner and inspected by the city. A charge of triple the normal permit fee will be charged. All taps to the city sewerage system require a permit and must be inspected. A fee of ten dollars (10.00) shall be charged for each single-family and duplex connection and others are twenty-five dollars (25.00).

Sec. 20-97. Application, Construction, and Connection to the City of Riviera Beach Sewer System.

No person shall construct a new wastewater collection system that is to be connected to CRBSS or substantially alter or improve any wastewater collection system that is connected to the CRBSS, until the CRBSS has first determined such construction to be in conformance with the CRBSS specifications, the long range CRBSS plans as approved by the City Council of the City of Riviera Beach.

(a) Unauthorized usage prohibited. No unauthorized person shall disturb, use, alter, or make connection to the CRBSS. Any unauthorized connection or reconnection shall be subject to a charge of two hundred fifty dollars (\$250.00) per incident. In addition to be aforesaid unauthorized connection charge, the utilities

Riviera Beach. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by Director before installation.

(i) Public safety and property. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City of Riviera Beach.

Sec. 20-98. Prohibitions and Limitations on Discharge into the City of Riviera Beach Sewer System.

No user shall discharge any waste into the CRBSS or any connected system unless in accordance with this ordinance.

(a) Discharge prohibitions. No user shall discharge into the CRBSS or any connected system any waste or wastewater which may interfere with the operation or performance of CRBSS. No user shall discharge into the CRBSS or any connected system any waste or wastewater containing any of the following:

(1) Toxic or poisonous substances, chemical elements or compounds, taste or odor-producing substances, or any other substances which are not amenable to treatment or reduction by the wastewater treatment processes employed by the CRBSS, or which are amenable to treatment only to such degree that the substance may interfere with the biological processes or efficiency of the CRBSS treatment plants, or that may pass through a CRBSS treatment plant and cause the effluent therefrom, or any other product from the plant, or the water or groundwater into which it is discharged, to fail to meet applicable state or federal standards. In no case shall a substance discharged to the CRBSS cause the CRBSS to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the SWDA, the Clean Air Act, the Toxic Substances Control Act, or state or federal criteria applicable to the sludge management method being used.

(2) Toxic, noxious, or malodorous solids, liquids, or gases, which either singly or by interaction with other waste or wastewater, (a) are capable of creating a public nuisance or hazard to human or animal life; (b) are or may be sufficient to prevent entry into a sewer for its maintenance, inspection, or repair; or (c) may create any hazard in the receiving waters of the CRBSS.

(3) Liquids, solids, or gases which by reason of their nature or quantity are sufficient to cause fire or explosion or be injurious in any other way to the CRBSS or to its operation. Prohibited materials include, but are not limited to, pollutants with a closed cup

flashpoint of less than 140 degrees Fahrenheit (sixt degrees Centigrade), as determined by a Pensky-Martens Closed Cup Tester, using the test methodd specified in ASTM Standard D-3278 and pollutants which cause an exceedance of 10% of the lower explosive limit (LEL) at any point in the CRBSS gasoline, kerosene, fuel oil, motor oil, naphtha, benzene, toluene, eylene, ethers, alcohol, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides or any other substance which the City of Riviera Beach, the State of Florida, or any federal ageancy has determined is a fire hazard or a hazard to the CRBSS. All trucked or hauled pollutants are prohibited except at discharge points designed by the Director.

(4) Radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by regulations within the Florida Administrative Code issued by the Florida Deparmtent of Health and Rehabilitative Services and which will or may cause damage or hazards to the CRBSS or its operating personnel.

(5) Stormwater, surfacewater, groundwater, roof runoff, subsurface drainage, swimming pool discharges.

(6) Domestic wastes from spetic tanks, portables toilets, or other similar facilities, unless approved by the Director in writing. Such discharges shall ony be made at a site by the Director in writing.

(7) Mineral oil in excess of firty (50) mg/l or animal/vegetable fats, wax, grease, or oils in excess of one hundred (100) mg/l, whether emulsified or not; or substances which may solidify or become viscous at temperatures lower than equal to one hundred fifty degrees (150 degrees Fahrenheit).

(8) Food waste that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevalling in public sewers, with no particle greater than one-half (1/2) inch in any dimension. At no time shall the concentration of properly ground food waste exceed a level that would prevent the CRBSS treatment plants from maintaing the required efficiency or cause operational difficulties.

(9) Inert suspended solids (such as, but not limited to, Fulelrs earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such concentrations as to pass through or interfere with the operations of the CRBSS.

(10) Any waste or wastewater having a pH lower than 5.5 exhibiting any corrosive property which either singly or by interaction with other wastes is capable of causing damage or hazard to structures, processes, equipment, or personnel of the CRBSS.

(11) Any waste or wastewater having a pH higher than 9.5 which either singly or by interaction with other wastes is capable of causing damage or hazard to structures, processes, equipment, or personnel of the CRBSS.

(1) Reject the wastes or deny or condition the introduction of new sources of wastewater to CRBSS; or

(2) Require the Industrial User to demonstrate that in-plant improvements will modify the discharge to such a degree as to be acceptable; and/or

(3) Require pretreatment of the Industrial User's discharge to ensure compliance with this ordinance; and/or

(4) Require payment of an Industrial Waste Surcharge to cover the added cost of handling and treating excess loads imposed on the CRBSS by such discharge. These special Surcharges shall be approved by the City Council of the City of Riviera Beach as stated in the existing schedule of rates and fees of the CRBSS. Approval of Industrial Waste Surcharge for the recovery of treatment costs does not replace or supersede the requirements for pretreatment facilities, should they be found necessary by the Director.

(c) Appeal of revocation of authorization to discharge. Authorization to discharge industrial waste in the CRBSS or any connected system shall continue in effect unless or until rescinded by the Director in writing. In the event that the Director revokes the authorization of any User to discharge wastes into the CRBSS or any connected system, notification of such revocation shall be delivered to the User by certified mail or by hand delivery. Any system User whose authorization to discharge has been revoked may appeal the decision of the Director to the City Council. The appeal shall be sent in writing by certified mail, return receipt requested, to the Board within fourteen (14) days of receipt of the Director's notification to cease discharge. Following receipt of the appeal, the Board will conduct a public hearing concerning the revocation order of the Director after giving notice to the User of the time and place for such hearing. At the public hearing, the User, either individually or by counsel, shall have the opportunity to be heard, to present evidence and to cross-examine witnesses. The Board may affirm, reverse, or modify the order of the Director and shall issue its decision in writing. The Director's order to cease discharge of wastes into the CRBSS or any connected system shall not become effective until the period for appeal to the Board has expired, or in the event that an appeal has been filed, until the Board has rendered a decision, unless the Director has made a finding that continued discharge by the User into the CRBSS or any connected system constitutes a clear and present danger to the operations of the CRBSS, to the health of the public, or to the environment. Any such finding shall be included in the Director's notification to cease discharge, and in such event, the revocation of authorization to discharge wastes shall become effective immediately.

(d) Pretreatment requirements. If the Director requires pretreatment prior to discharge into any part of the CRBSS or any connected system, the plans, specifications, and other pertinent data or information relating to such wastewater pretreatment facilities, as prepared by a registered professional engineer, shall be subject to the review and approval of the Director. Approval shall in no way exempt the discharge of such facilities from compliance with any applicable code, ordinance, or law. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and approval of the Director.

Where preliminary treatment is required, such facilities shall be constructed and effectively operated and maintained by the owner at his expense, subject to the requirements of this ordinance.

(e) Industrial wastewater discharge permit. All prospective Significant Users shall apply for an Industrial Wastewater Discharge Permit, the cost of which is to be incurred by the Industrial User, prior to discharge to CRBSS. All Significant Industrial Users who are discharging wastewater into CRBSS prior to the effective date of this ordinance are hereby granted temporary authority to continue to discharge in compliance with the codes, regulations, and policies of the CRBSS. This temporary authority shall expire ninety (90) days after the date of notification through registered mail by the Director of the requirement for Significant Industrial User to make application for an Industrial Wastewater Discharge Permit. If, prior to the expiration date, the User has filed an Industrial Wastewater Discharge Permit pursuant to this section, then its temporary authority shall expire on the date the Industrial Wastewater Discharge Permit is issued or denied.

Any person discharging pursuant to the temporary authority provided herein is subject to all provisions of this ordinance, and such authority may be suspended or revoked in accordance with the terms and procedures set forth herein. No Permit holder shall discharge industrial wastewaters in excess of the quantity, rate of discharge, or quality conditions specified in the Permit. Any person desiring to modify his discharge which would violate conditions of his Permit shall apply for an amended Permit. Issuance of a Permit shall not relieve the Industrial User from complying with all applicable laws, regulations, and ordinances promulgated by other government authority, nor shall the issuance of a Permit be construed as a representation by the City of Riviera Beach that the discharge permitted therein complies with all such laws, regulations, and ordinances. Permits are issued solely to govern the discharge of industrial wastewater into the CRBSS and the applicable receiving waters, as between the Industrial User and the City of Riviera Beach, and shall be not construed to benefit any third party.

(1) Self-monitoring requirements. All Significant Industrial Users of the CRBSS or any connected system shall submit self-monitoring reports to the Director identifying the constituents and describing the characteristics of the industrial wastewater being discharge into the CRBSS. The content and frequency of the reports shall as specified in the Permit but shall in no case be less frequent than twice per year. In order to ensure the integrity of the industrial waste reports submitted to the Director, said Significant Industrial Users of the CRBSS or any connectes system shall:

(a) Maintain records concerning volume, constituents, and characteristics of the industrial waste discharge. All such records and equipment used to determine and record volume, constituents, adn characteristics of industrial waste discharges shall be made available for review inspection and photocopying by the Director, or his appointed representative, and by authorized representative of the DER and the EPA.

(b) Install, use, and maintain monitoring and sampling equipment, approved by the Director, for determining volume, constituents, and characteristics of the industrial waste discharge.

(c) All monitoring and analysis conducted shall be conducted and reported in accordance with EPA requirements found in 40 CFR Section 403.12(g).

(2) Compliance schedule. Industrial subject to the Categorical Pretreatment Standards must also comply with the requirements for submittal of a Baseline Monitoring Report (BMR) found in 40 CFR Part 403.12. If additional pretreamtn or other measures are required to meet the Categorical Pretreatment Standards, a compliance schedule shall be provided which shows the shortest schedule by which the industrial user will provide necessarty measure to comply with the Pretreamtent Standard. In no case shall the completion date in this schedule be later than the compliance date for the applicable Pretreatment Standard. The industrial user shall submit to the Director periodic reports on the progress of the compliance schedule.

In addition, within 90 days following the date for final compliance with applicable Pretreatment Standards or in the case of a New Source, 90 days following the introduction of wastewater into the CRBSS, any industrial user subject to the Categorical Pretreatment Standards shall submit to the Director a report indicating the concentration of pollutants in the discharge from the regulated processes and the average and maximum daily flow for those processes.

(3) Accepted Methods. All measurements, tests, and analyses of the characteristics of wastes and wastewater to which reference is made in this ordinance shall be determined in accordance with the rules and regulations of EPA and those within the Florida

Administrative Code and shall be carried out by customarily accepted methods.

(4) Sampling points. All Significant Industrial Users discharging industrial waste into the CRBSS or any connected system shall provide and maintain a suitable point or points of access together with such necessary meters and other appurtenances at an appropriate location to permit observation, flow measurement, and sampling of such waste by the Director. Plans for such sampling points and measuring equipment shall be subject to approval by the Director prior to construction and installation of the facility. Sampling and measuring facilities shall be located in such a manner as to provide safe, unrestricted access for inspection and verification of the Industrial User's operating conditions, and enabling collection of a sample that is representative of the User's typical discharge. All such facilities must be located and maintained so as to be accessible to the Director or his representatives at all times including weekends, holidays and both day and night, without prior notice. All such facilities shall be constructed in accordance with plans approved by the Director. The Director may require, at his discretion, a lockable facility or facilities to protect the City of Riviera Beach property against theft, vandalism, and tampering. If such facilities are required, the Industrial User shall supply the Director with a key to such facilities.

(f) Accidental discharge protection plan. All significant Industrial Users shall be required to establish and submit to the Director for approval in writing a protection plan for accidental discharge, including the following elements:

(1) Accidental discharges. Each Significant Industrial User shall provide protection from accidental discharge or prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the CRBSS for review and shall be approved by the Department before construction of the facility.

(2) Telephone notification. Any person causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, or which is likely to cause interference with the CRBSS, shall take the necessary measures to stop, limit, or control the discharge, and shall notify the Director, or his previously designated representative, immediately by telephone. In absence or unavailability of the Director or his representative, notification shall be given to the CRBSS employee then in

charge of treatment plant that accepts the Industrial User's waste.

(3) Written report. Within five (5) business days following such accidental discharge, the User shall provide the Director with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the CRBSS, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law. Furthermore, the Industrial User shall control its production (or all its discharges) to the extent necessary to maintain compliance with all applicable local, state, and federal regulations upon reduction, loss or failure of its treatment facility, and until the facility is completely restored or an alternative and equally effective method of pretreatment is provided. This requirement applies in but is not limited to the situation where the primary source of power of the treatment facility is reduced or lost, or fails.

(4) Notice to employees. A notice by the CRBSS shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(5) The Accidental Discharge Protection Plan shall also include:

(a) Description of discharge practices, including non-routine batch discharges.

(b) Description of stored chemicals.

(c) Any necessary procedures to prevent accidental spills, including maintenance of storage areas, handling and transfer of materials, loading and unloading operations, and control of plant site run-off.

(d) Any necessary measures for building containment structures or equipment.

(e) Any necessary measures for controlling toxic organic pollutants (including solvents).

(f) Any necessary procedures and equipment for emergency response.

(g) Any necessary follow-up practices to limit the damage suffered by the treatment plant or the environment.

(6) Notification of the discharge of hazardous wastes.

(a) All Significant Industrial Users shall also have provisions for notifying the Director, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of any discharge into the CRBSS of a substance which is a listed or characteristic waste under Section 3001 of RCRA. Such notification must include a description of any such wastes discharged, specifying the volume and concentration of such wastes and the type of discharge (continuous, batch, or other), identifying the hazardous constituents contained in the listed wastes, and estimating the volume of hazardous wastes expected to be discharged during the following twelve months. This requirement shall not apply to pollutants already reported under the self-monitoring requirements.

(b) Dischargers are exempt from requirements during a calendar month in which they generate no more than 100 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes in any given month requires a one-time notification. Subsequent months during which the industrial user generates more than one hundred kilograms of hazardous waste do not require additional notification, except for the acute hazardous wastes specified in 40 CFR 261.5(e), (f), (g), and (j).

(c) In the case of new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the industrial user must notify the Director of the discharge of such substance within 90 days of the effective date of such regulations, except for the exemption in paragraph (2) of this section.

(d) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.

(7) All industrial users are required to report to the Director any change in the characteristics, nature, or volume of the discharge to the CRBSS.

(8) Reports required under this ordinance or specific industrial user permits must be signed by an authorized representative of the industrial user.

(9) Any industrial user subject to the reporting requirements in this ordinance is required to retain for a minimum of three years any records of

monitoring activities and results and shall make such records available for inspection or photocopying by the Director or state or federal officials.

Sec. 20- 99 Protection from damage.

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

Sec. 20-100 Powers and authority of inspectors.

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

Sec. 20-101 Enforcement actions.

The following escalating enforcement strategy shall be used by the City of Riviera Beach when Industrial Users ("IU") are out of compliance with this ordinance. The various types of enforcement actions shall be used as determined by the Director depending on the circumstances of the violation.

(a) Immediate threat to public health. The Director may require the immediate halt of a discharge if it is deemed as an immediate threat to public health or the CRBSS.

(b) Self-monitoring. The IU will review its self-monitoring data to determine whether a violation of this ordinance and/or of its permit Limitations has occurred. If a violation has occurred, the IU must provide to the CRBSS:

- (1) 24-hour notification that a violation has occurred.
- (2) Magnitude and nature of the violation.

(3) Details regarding analytical quality assurance.

Failure to comply with the 24-hour notification requirement will result in administrative fines of \$100 per occurrence.

(c) Resampling. Upon the determination that a violation has occurred, the IU must resample the final discharge for the offending parameter. The resampling data must be submitted to the City within 30 days of violation discovery. Failure to resample and report within 30 days is a violation of Federal Regulation 40 CFR 403.12(g). If the IU fails to resample and report within 30 days, CRBSS will issue a Notice of Violation ("NOV") requiring the IU to resample and submit the report within 30 days. Failure to comply with the NOV will result in a single administrative fine of \$150 per violation. Continued failure to comply within 60 days from original violation thereafter will result in a monthly fine of \$500 or one-half of previous month's bill, whichever is greater.

(d) CRBSS monitoring. The City will conduct periodic independent compliance monitoring of IUs as appropriate. If the violation is not significant, as defined in this ordinance, the City will issue a NOV and a 45-day compliance schedule including the requirement to resample in order to determine whether a violation is significant. The results of the resampling must be submitted to the City within 30 days of the receipt of the compliance schedule. Failure to comply will result in a single fine of \$500 per violation. Continued failure to comply 60 days thereafter issuance of the NOV will result in a monthly fine of \$1,000 or previous month's bill, whichever is greater.

(e) Significant violations. The City will review sampling data obtained to determine whether a significant violation as defined in this ordinance has occurred. If a significant violation has occurred, the City will review the data to determine whether significant non-compliance as defined in this ordinance has occurred; in which case a single fine of \$500 or one-half the previous month's bill, whichever is greater, will be assessed per violation.

(f) Formal notice. If a significant violation is determined, the City will issue a Notice of Significant Violation ("NOSV"), requiring the IU to submit within 15 days of the receipt of the notice a draft 90-day compliance schedule to determine the need to install or construct pretreatment facilities. Failure to respond within 15 days will result in a single fine of \$500 per violation. Upon receipt of the draft compliance schedule, the City will issue the compliance schedule as a condition of continued operation. A demonstration of

compliance ("DOC") will be included as the final item in the compliance schedule. If at any time during the 90-day schedule, the IU determines that pretreatment facilities are required, the IU will inform the City of such and submit a draft construction schedule.

(g) DOC. Upon completion of the 90-day compliance schedule, the City will review the DOC data to determine whether compliance has been achieved. Failure to demonstrate compliance during the 90-day schedule will result in the City issuing as NOSV requiring the IU to submit within 15 days of receipt of the NOSV a draft compliance schedule for the construction of new pretreatment facilities or the improvement, modification or expansion of existing facilities. Failure to respond within 15 days will result in a single fine of \$500 per violation. Continued failure to comply within 60 days of the NOSV thereafter will result in a monthly fine of \$1,000 or previous month's bill, whichever is greater. Upon receipt of the draft compliance schedule, the City will issue the compliance schedule as a condition of continued operation. Approval of the facility design engineer by the City is required prior to design of the pretreatment facility. A DOC will be included as the final item in the compliance schedule. Upon completion of the construction compliance schedule, the City will review the DOC data to determine whether compliance has been achieved.

(h) Final schedule of compliance. If the construction of pretreatment facilities does not achieve compliance, the City will assess a fine of \$2,000 or twice the previous month's bill, whichever is greater, and will issue a Notice of Monthly Fine ("NMF"). Fines of the same amount will continue to be assessed on a monthly basis until compliance is achieved or service is terminated. The NMF will require that the IU submit a draft final compliance schedule within 15 days of receipt of the NMF. Upon receipt of the draft compliance schedule, the City will issue the final schedule of compliance as a condition of continued operation. A DOC period will be included as the final item in the compliance schedule. Upon completion of the compliance schedule, the City will review the DOC data to determine whether compliance has been achieved.

(i) Show cause hearing. If the final compliance schedule does not achieve compliance, the City will issue a Notice to Show Cause ("NSC") why the discharge permit should not be revoked and service terminated, in accordance with law. The CRBSS will hold the show cause hearing to determine whether the permit should be revoked and sewer services terminated.

(1) If the IU shows cause for its failure to comply, service shall not be terminated nor the permit

revoked. The monthly fine will increase to an amount up to \$1,000 per day and a new final compliance schedule will be issued.

(2) If the IU fails to show cause why its permit should not be revoked and service terminated, the IU's permit shall be revoked and its sewer service will be terminated by the City.

(j) Violations not addressed. Penalties for violations of this ordinance and/or the IU's wastewater discharge permit not addressed in this section will be assessed at the discretion of the Director.

Sec. 20-102 Penalties.

Any person who violates a provision of this ordinance shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof, and upon conviction shall be punished by a fine not to exceed \$1,000 per day for each offense or by imprisonment in the City of Riviera Beach jail not to exceed sixty (60) days, or by both such fine and imprisonment. If a violation be continued, each day of such violation shall constitute a separate offense. Any person who knowingly makes any false statement, representation or certification in any record or other document submitted under this ordinance of industrial user permits shall be subject to fines of up to \$1,000 per violation or by imprisonment for not more than sixty (60) days, or both.

Sec. 20-103 Areas embraced.

All territory within the legal boundaries of the City of Riviera Beach, Florida, including all incorporated and all unincorporated areas, shall be embraced by the provisions of this ordinance. The areas which are not included within the legal boundaries of the City of Riviera Beach, but deliver wastewater to the CRBSS shall be embraced by Interlocal Agreements between the City of Riviera Beach and the local jurisdiction providing wastewater collection in those areas.

Sec. 20-104 Confidentiality.

Information and data concerning individual Industrial Users obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public to the extent permitted by Florida law, upon written request without restriction unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the Director that such release would

divulge information, processes, or methods of production entitled to protection as trade secrets of the User. Wastewater constituents and characteristics will not be recognized as confidential information.

Sec. 20-105 Public notice.

The City of Riviera Beach shall publish annually in the largest daily newspaper published within the County, a list of Industrial Users which during the previous twelve (12) months were significantly violating applicable Pretreatment Standards.

SECTION 3. Codification.

It is the intention of the City Council and it is hereby ordained that the provision of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Riviera Beach, Florida, and the section of this Ordinance may be re-numbered to accomplish such intentions.

SECTION 4. Severability.

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

SECTION 5. Conflict Clause.

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

SECTION 6. Effective Date.

This Ordinance shall take effect upon its final passage and adoption by the City Council at its second reading.

PASSED AND APPROVED ON FIRST READING THIS 17TH DAY OF NOVEMBER, 1993.

PASSED AND ADOPTED ON SECOND AND FINAL READING THE 1ST DAY OF DECEMBER, 1993.

APPROVED:

Edna K. Williams
MAYOR

Hyacinthia "Cynthia" Becton
CHAIRPERSON

[Signature]
CHAIRPERSON PRO TEM

Bruce A. Guyton

Margaret Confrey

Bertha Orange
COUNCIL MEMBERS

[Signature]
CITY CLERK

1st Reading

Motioned By: B. RODRIGUEZ
Seconded By: B. GUYTON
C. Becton: AYE
M. Confrey: AYE
B. Guyton: AYE
B. Orange: AYE
B. Rodriguez: AYE

2nd and Final Reading

M. CONFREY
B. GUYTON
AYE
AYE
AYE
OUT
AYE

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

ORDINANCE NO. 2616

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA REPLACING CHAPTER 17, STREETS AND SIDEWALKS, OF THE CITY CODE OF ORDINANCES IN ITS ENTIRETY, PROVIDING LEGISLATIVE INTENT; DEFINITIONS; DESIGN STANDARDS, PENALTIES, AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION.

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

SECTION 1. That Chapter 17 of the Code of Ordinances of the City of Riviera Beach be hereby replaced in its entirety by this ordinance, streets and sidewalks.

SECTION 2. That a new Chapter 17 of the Code of Ordinances of the City of Riviera Beach is hereby enacted, which new chapter reads as follows:

CHAPTER 17

STREETS AND SIDEWALKS

ARTICLE I. STREETS

SECTION 17-1 MINIMUM REQUIREMENTS FOR ROAD, STREETS AND AVENUES.

The following specifications are the minimum requirements for construction of roads, streets, and avenues within the corporate limits of the City of Riviera Beach. Unless the content indicates otherwise, street, road, avenue, etc., are synonymous.

SECTION 17-2 BASE AND SURFACE SPECIFICATIONS.

Streets shall include a subgrade, base and wearing surface. Local streets shall be paved with one and one-quarter (1 1/4) inches of type I asphaltic concrete surface course on eight (8) inch primed limerock base, or equivalent material having a structural value of 2.1, with a stabilized subgrade producing seventy-five (75) lb. Florida bearing value. Collector streets shall be paved with one and one-half (1 1/2) inches of type I asphaltic concrete surface on an acceptable base with a stabilized subgrade producing seventy-five (75) lb. Florida bearing value. Acceptable base material shall be limerock having eight (8) inch compacted thickness or the equivalent of sand asphalt plant mix. All other streets of higher classification shall meet the design requirement of the Florida Department of Transportation.

SECTION 17-3 MINIMUM WIDTH, DEPTH AND GRADE.

The minimum requirement for pavements is twenty-six (26) feet in width where curb and gutter is required, and twenty-four (24) feet without curb and gutter. Where use of swale is permitted, the pavement shall have six (6) foot wide stabilized shoulder on each side. Stabilized shoulders shall be made of three (3) inches of new shellrock, mixed with existing shoulder to a depth of six inches.

(1) Grades. Street grades shall be determined in relation to the drainage installations for adjacent property. Street grades shall not exceed 2.5% unless adequate protection for erosion is provided, or be less than 0.30% in swale and guttered sections unless otherwise approved by the City Engineer.

(2) **Crown.** The crown of the street shall be one inch for each four feet in width of the paving measured from the center to the edge of the road.

(3) **Intersection.** At all intersections the concrete headers shall have a twenty-five (25) foot radius, which shall be twelve (12) inches wide, ten (10) inches deep, and reinforced with two 1/2 inch steel rods.

(4) **Subgrade and base.** All subgrades, grades, right of way clearing, lines, and construction shall be subject to approval of the City Engineer. Coretest, density test, or such examination as required by the City Engineer shall be taken. Final acceptance and approval shall be made by the City Engineer and the City Council.

(5) **Swale.**

(a) If use of swale is permitted, there shall be a four-inch depth from the edge of the pavement (or header) to the bottom of the swale.

(b) No trees, shrubs, fence, posts, or any other obstruction will be permitted in the swale area and it shall be unlawful for any person to place, allow, suffer, or permit any such obstruction in any swale areas. If any street within the City limits is widened or the swale and/or sidewalk area is developed, there are trees or shrubbery or other obstruction in the swale area, the City Engineer will give written notice to the property owner of record thereof, requiring such owner or owners to remove such trees and/or shrubbery or other obstruction within thirty days and advising such owner or owners that unless same be removed the City will not be responsible for the safety of the articles left in the swale, and if the owner or owners of such land fail within a period of thirty days from mailing of notice hereinabove mentioned, the City shall remove such trees and shrubbery and other obstructions and such trees and shrubbery shall not be preserved.

(6) **Road Right-of-Way.**

See Section 17A-11-(13)(e).

(7) **Designated Streets.**

See Section 17A-11-(13)(f).

SECTION 17-4 RESERVED

ARTICLE II. SIDEWALKS

SECTION 17-5 Specifications.

The following specifications control the construction of all sidewalks and driveways within the corporate limits of the city of Riviera Beach:

(1) **Grade.** Elevation of finished sidewalk grade on the streets without curb and gutter will be at the same elevation of the crown of the road, with a slope toward the road of one-quarter inch per foot. Where curb and gutter is used the slope shall be one-quarter inch per foot, upward from the top elevation of the concrete curb.

(2) **Excavation.** Excavation or fill shall be made to the depth or fill required to bring to grade indicated in (1) above; subgrade or base shall be compacted to a firm and even surface, true to grade and cross section by means of watering and/or tamping and rolling.

(3) **Forms, Width and Thickness.** Sidewalk forms can be either wood or metal. Forms shall be straight, free of warps or bends, and shall be of sufficient strength when staked to withstand the pressure of the concrete without springing. If wood, they shall be of two-inch surfaced lumber; if metal, they shall be of approved

type sections and shall have a flat surface on top. Forms shall have depth of at least four (4) inches. Width of the sidewalk shall be four (4) feet when fronting on local streets; and five (5) feet when fronting on collector or arterial streets. Block lengths shall be five (5) feet. Thickness shall be at least four (4) inches.

(4) Composition of Concrete. The concrete shall have a compressive strength of three thousand (3,000) pounds per square inch at twenty-eight (28) days. The slump cylinder compressive test shall be from three (3) to five (5) inches. No mesh will be required unless specified by the City Engineer based on technical justification or when sidewalk is part of a driveway, then six by six (6 x 6), six (6) gauge, wire mesh will be placed in driveway and sidewalk area, and concrete thickness shall be six (6) inches.

(5) Joints. Joints shall be open type. The joint shall be formed by staking a metal bulkhead in place and placing the concrete on both sides of it. After the concrete has set sufficiently to preserve the width and shape of the joint, the bulkhead shall be removed. After the sidewalk has been finished over the joint, the slot shall be opened and edged with a tool having a one-half (1/2) inch radius. When the concrete has hardened and become dry the slot shall be thoroughly cleaned of all debris and loose material for the full section of the sidewalk.

Where the plans call for a one-half (1/2) inch joint between the sidewalk and the curb, the joint shall be cleaned as provided above, then filled to within one (1) inch of the finished surface and then sealed with a bituminous joint sealer or a preformed joint filler.

(6) Finishing. All surplus water, latency, and inert material shall be worked off the surface of the concrete with a ten-foot straightedge, or by some other method equally satisfactory, as approved by the City Engineer.

The concrete shall then be given a broom finish. The surface variations shall not be more than one-fourth (1/4) inch under a ten-foot straightedge. The edge of the sidewalk shall be finished with an edging tool having a radius of one-half (1/2) inch.

SECTION 17-6. SIDEWALKS REQUIRED

(1) Requirement. Sidewalks shall be required to be installed on both sides of local, collector, arterial and on one side of marginal access streets. A required sidewalk may be waived by the City Engineer in industrial zoning or where adequate pedestrian circulation is provided by pedestrian and bicycle paths.

(2) Prerequisites to Building Permit and Certificate of Occupancy. Before a building permit shall be issued for the erection of any structure upon any plot of land, the plans for such construction must include plans for concurrent construction of a sidewalk running adjacent to the entire length of the property line which fronts any street lines. No Certificate of Occupancy shall be issued for any structure unless and until the completion of such sidewalk has been reviewed and approved by the City Engineer.

(3) Applicability of (2) in Case of Building Repair. The provision of subsection (2), above, shall also apply to permits for the repairs of existing structures upon any plot of land not improved by existing paved and usable sidewalk where the total cost of such repairs, as determined by the Building Official, shall equal or exceed thirty-three and one-third percent (33 1/3%) of the last assessed county tax valuation of the structure to be repaired.

(4) Continuity of Sidewalks. The City Council may by resolution cause the construction of sidewalks along any street face where it is deemed in the interest of public safety, regardless of the nature or extent of existing development, and may assess adjoining property owners in accordance with Chapter 170, Florida Statutes.

SECTION 17-7. CASH BOND REQUIRED BEFORE ISSUANCE OF BUILDING PERMITS WHERE SIDEWALKS EXIST.

(1) No building permit shall be issued for the construction of any building, or for any additions or major repairs or remodeling to an existing building, on any lot or parcel of land fronted by an approved sidewalk or curb until the owner or owners of record of said property, the agent of said owner or owners or the contractor retained to perform the work of building, repairing or remodeling, has first posted with the office of the City Clerk a cash bond in the amount of two hundred and fifty dollars (\$250.00).

(2) The City Clerk shall hold the cash bond in escrow until such time as a Certificate of Occupancy and approval has been issued by the Building Inspection Division certifying that construction on the property or parcel of land has been completed and that damages to the sidewalk, if any, have been repaired in an approved manner. If inspection reveals damages to the sidewalk or curb, the Building Inspection Division shall serve notice in writing, listing all unrepaired damages to the person responsible for posting the cash bond. Said notice shall provide that in the event repairs are not completed within ten (10) days, the repairs will be authorized by the City Engineer and the cost of which shall be deducted from the cash bond deposited with the City Clerk.

(3) Anything in the City's "Procurement Ordinance" to the contrary notwithstanding, if the City does not then have a continuing contract, the City Engineer shall receive three (3) separate proposals from licensed contractors and at the end of the ten (10) day period authorize the contractor with the most reasonable bid to make the necessary repairs. After the satisfactory completion of repairs the remainder of the cash bond, if any, shall be returned to the bonded person or persons.

SECTION 17-8 DRIVEWAYS.

(1) Permit Required. No person shall change the grade of any sidewalk, swale, or curb, for the purpose of providing a driveway across such sidewalk, or construct any driveway across City property, except upon complying with provisions of this Article, and upon obtaining a permit from the City.

(2) Application for Permit. Application for a permit shall be made in writing to the City Engineer by the owner or agent of the owner of the abutting premises. Such application shall set forth the points at which such driveway shall begin and end, as measured from the property lines and shall be accompanied by a plan indicating existing and proposed elevations. The width of such driveway in residential zoning shall not exceed twenty-four (24) feet and shall not exceed thirty-five (35) feet in commercial and industrial zoning. Circular driveways shall have a minimum inside turning radius of fifteen (15) feet. The width of any single driveway shall not be less than ten (10) feet, or eighteen (18) feet for double driveways. Driveways shall not be closer than five (5) feet to any property lines. The length of driveways in single-family residential shall not exceed sixty (60) feet. The driveway for corner lots shall be from the minor street.

Single family residential shall not have two separate driveways. Driveways shall be concrete having a minimum thickness of six (6) inches or four (4) inches of concrete reinforced with six by six (6 x 6), six gauge wire mesh.

(3) Dangerous and Abandoned Driveways. Should the use of any driveway be discontinued or abandoned, or found dangerous to pedestrians in the opinion of the City Engineer, then the City Engineer shall give notice in writing to the owner(s) of record of the abutting property to restore such curb and sidewalk within thirty (30) days to the original or proper condition.

(4) Failure to Pave or Restore. In case any driveway, curb, or sidewalk shall not be paved, repaved, repaired or restored according to the provisions of this article, the City Engineer may order the same to be done under his direction and for the owners' account and the expense thereof, until paid, shall be a lien upon the abutting property and be filed for public recording.

(5) Digging Up or Excavating Streets. It shall be unlawful for any person to dig up or excavate any street, alley, avenue or other public way within five (5) years after such street, avenue, alley or other public way has been paved or repaved. In cases of extreme emergency of a break or leak in water, sewer or gas mains, such permission is granted, the person granted such permission shall be required to pay (City Utilities Department exempted) to the City, in addition to the actual cost of renewing the pavement surface, the sum of two hundred dollars (\$200.00) for damage suffered by the City by the tearing up of such pavement. Permit application for digging up or excavating any street shall be made to the City Engineer. The fee for this permit shall be one hundred dollars (\$100.00) and may be amended by a resolution of the City Council.

(6) Deposit to Insure Proper Construction. The City is authorized to require a deposit of an amount equal to the City Engineer's estimate of costs of the curb and gutter, sidewalk or pavement, to be altered but not less than two hundred fifty dollars (\$250.00) to insure proper construction; such deposit to be returned on approval of the City Engineer.

SECTION 17-9 RESERVED.

SECTION 17-10 APPEALS.

Appeals may be taken by any person aggrieved by any decision of the City Engineer or the Director of Community Development and Environmental Control in the enforcement of this article to the "Board of Building Adjustments and Appeal: As provided by the City Code."

SECTION 3. That all ordinances and parts of ordinances in conflict are hereby repealed.

SECTION 4. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this ordinance.

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

SECTION 6. This ordinance shall take effect immediately upon its passage.

PASSED AND ADOPTED on first reading this 17th day of NOVEMBER,
1993.

PASSED AND ADOPTED on second reading this 1ST day of DECEMBER,
1993.

APPROVED:

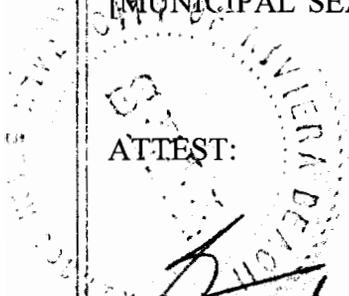
Clara K. Williams
MAYOR

Hyacinthia "Cuthra" Becton
CHAIRPERSON

[MUNICIPAL SEAL]

[Signature]
CHAIRPERSON PRO-TEM

ATTEST:



[Signature]
CITY CLERK

Bruce A. Guyton

Margaret Confrey

Bertha Orange
COUNCILMEMBERS

1st Reading

2nd & Final Reading

MOTIONED BY: B. RODRIGUEZ
SECONDED BY: M. CONFREY

B. GUYTON
M. CONFREY

M. CONFREY AYE
C. BECTON AYE
B. ORANGE AYE
B. RODRIGUEZ AYE
B. GUYTON AYE

AYE
AYE
OUT
AYE
AYE

APPROVED AS TO FORM
[Signature]
CITY ATTORNEY

ORDINANCE NO. 2617

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 23AA "ZONING" OF THE CODE OF ORDINANCES BY CHANGING CF (COMMUNITY FACILITIES) ZONING FOR A 5.67 ACRE PARCEL DESCRIBED IN SECTION 1, TO RM-15 (RESIDENTIAL MULTIPLE FAMILY) ZONING, DIRECTING THE CITY CLERK TO UPDATE THE CITY'S ZONING MAP; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.3194 of the Florida Statutes provides procedures to amend the Zoning Ordinance; and

WHEREAS, legal notice and review procedures were followed in accordance with Section 166.041 (3) (c), (FS), which provides procedures for amendments affecting less than 5% of the City's total land area; and

WHEREAS, Chapter 163 F.S. requires that zoning be brought into conformance with land use designations; and

WHEREAS, said parcel now contains a multiple family land use designation; and

WHEREAS, on May 13, 1993, the Planning and Zoning Board sitting as the Local Planning Agency, reviewed the request for proposed zoning at a Public Hearing, and forwarded recommendations to City Council; and

WHEREAS, on December 1, 1993, the City Council sitting as the Local Governing Body, reviewed the request and recommendations at a Public Hearing and voted to approve said change.

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 changing zoning from its present City zoning classification of CF (Community Facilities) to the City's zoning classification of RM-15 (Residential Multi-Family) for the referenced parcel of land, legally described as follows:

Tract B (labeled "not included") as shown on Plat No. 1 PARK MANOR (Sheet No. 3) in the City of Riviera Beach, Florida, which said plat is filed for record in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 26, Page 74, said Tract "B" being more particularly described as follows:

From the 1/4 section corner in the South line of Section 28, Township 42 South, Range 43 East, Palm Beach County, run thence North 0°56'10" West along the 1/4 section line, which is the centerline of Avenue "F", a distance of 271.15 feet; thence run North 89°58'40" West a distance of 25 feet to the intersection of the Westerly right-of-way line of Avenue "F" with the Northerly right-of-way of West 20th Street, said point of intersection being the Southeast corner of said Tract "B", and the point of beginning; thence continue Westerly on the same course a distance of 8.10 feet to the beginning of a curve, concave to the Southeast and having a radius of 389.90 feet and a central angle of 38°04'08"; thence run Southwesterly on the arc of said curve a distance of 259.06 feet to the end of said curve; thence run South 51°57'12" West a distance of 56.16 feet to the beginning of a curve, concave to the Northwest and having a radius of 467.78 feet and a central angle of 22°48'50"; thence run Southwesterly on the arc of said curve a distance of 186.26 feet; thence run North 0°01'20" East a distance of 636.28 feet to a point on a curve, concave to the North and having radius of 1086.27 feet and a central angle of 12°14'24"; said point being on the Southerly right-of-way line

of West 22nd Street; thence run Easterly on the arc of said curve a distance of 232.06 feet to a point of reverse curvature; thence run Easterly on the arc of a curve, concave ORDINANCE NO. 2617 Page Two

to the South and having a radius of 1036.27 feet and a central angle of 12°14'24", a distance of 221.38 feet to the intersection of said Southerly right-of-way line with the Westerly right-of-way of Avenue "F", said point of intersection being the Northeast corner of Tract "B" aforesaid; thence run Southerly (South 0°56'10" East) on said Westerly right-of-way line a distance of 484 feet to the Southeast corner of said Tract "B", the point of beginning. The above described Tract contains 5.67 acres, more or less

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

Section 4. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED and APPROVED on first reading this 1st day of December, 1993.

PASSED and ADOPTED on second and final reading this 15th day of December, 1993.

APPROVED:

K. Williams Hyacintha "Cithia" Becton
MAYOR CHAIRPERSON

[MUNICIPAL SEAL]

[Signature]
CHAIRPERSON PRO TEM

ATTEST

Carrie L. Karl

Bruce A. Guyton
Margaret Confrey
Bertha Orange
COUNCIL MEMBERS

1st Reading

2nd and Final Reading

MOTIONED BY: B. GUYTON
SECONDED BY: B. ORANGE

B. RODRIGUEZ
B. GUYTON

M. Confrey AYE
B. Guyton AYE
C. Becton AYE
B. Rodriguez AYE
B. Orange AYE

AYE
AYE
AYE
AYE
AYE

APPROVED AS TO FORM AND LEGAL EFFECT
[Signature]
CITY ATTORNEY

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.

Carrie L. Karl
Gwendolyn E. Davis, City Clerk

ZONING MAP

RS-6

RM-15

CG

BLUE OP

HERON

RM-15

RS-6

CF

OP

RM-15

RS-6

CANAL RC-4

CANAL RC-5

EAST AVENUE

AVENUE G

AVENUE G

AVENUE F

AVENUE

AVENUE

RML-12



PLANNING AND ZONING BOARD MEETING
MAY 13, 1993
PAGE -6

c. sprinkler system to be installed generally and on conveyer system if necessary.
(note: copy of letter to become part of record for permit)

- 4. Area of "6 pack" units to be asphalt surface and to be indicated on drawings.
- 5. All landscaped swale areas to be curbed.
- 6. Permanent sprinkler system for landscaping area and raw materials areas to be shown on drawings.
- 7. If bathrooms are not available on Tract B in the future, applicant shall provide facilities on site. Applicant shall submit letter at time of permit.

Mrs. Moffitt made a motion that the Board "look at the entire project" as one item i.e. Special Exception/ Site Plan and Plat. Mr. Palmore seconded the motion. Upon a vote being taken, all members voted "aye". THE MOTION PASSED.

Mrs. Moffitt made a motion that the Board recommend to City Council the approval of Parkway Asphalt Plant subject to conditions recommended by staff with the following modifications:

- 1. Item 3 sub item A be deleted.
- 2. Item 5 - all landscaped swale areas to be curbed or alternatively barred by means acceptable by staff and applicant.
- 3. Addition of condition #8 - addition of portable conveyer shall be included in site plan to reduce distance between stock pile and charge plant.
- 4. Addition of condition #9 - Parkway Asphalt Plant to meet with Veterans Administration Hospital to address their concerns, including emissions and any monitoring which may be appropriate prior to City Council agenda item.

Mr. Johnston seconded the motion. Upon a vote being taken, the motion passed with three in favor and two in opposition. Mr. Palmore and Mr. Atkins voted "nay". THE MOTION PASSED.

~~*~~ v. PUBLIC HEARING

VILLA FRANCISCIAN
REZONING CF TO RM-15

Karen Golonka, Director of Planning and Zoning, made brief opening comments regarding the Public Hearing. She stated property owners within 300' had been properly notified and the notice of hearing had been properly advertised in the Palm Beach Post.

The material indented below is to be used as informational material and does not necessarily reflect action taken during the meeting.

Background Information - STAFF REPORT

Location: N.W. of Avenue "F" and 20th Street
Future Land Use Category: Multiple Family
(up to 15 DUs/acre)
Current Zoning: CF (Community Facilities)
Proposed Zoning: RM-15 (multiple family
15 DUS/ACRE
Site Area: 5.67 acres

A. General Description

This site, which has long been owned by the Catholic Diocese, consists of 5.67 acres which is currently shown as multiple family residential (up to 15 DUs/acre on the City's future land use map. It is generally bounded by Avenue "F" on the east, Avenue "G" on west, E. 20th Street on the south, and East 22nd Street on the north.

B. Background Information

The Catholic Diocese has requested this change because they are attempting to develop a Section 202 U.S. Housing and Urban Development funded housing for a low income elderly project. The project proposes 85 units on the site, all to be managed by the Diocese.

The City Council passed a resolution in 1991 which proclaimed support for the Diocese' efforts in obtaining funding from the federal government for this project. The City's Comprehensive Plan when adopted in 1989 showed the property in the Community Facilities land use category, it being part of the Catholic church property, and a church would be a Community Facilities land use category. In order to implement the City Council resolution, that portion of the church property to be used for the elderly housing program had to have a change in the comprehensive plan future land use category from Community Facilities to Multiple Family (up to 15 DUs/acre). The City Council approved this land use change in December 1992 for elderly housing only.

State Law requires that a City's zoning map be consistent with the future land use map, and so it is necessary to change the zoning on the subject property to be consistent with its land

use category. The requested change will further efforts toward satisfying Policy 1.1.1 of the Housing Element: "Utilize the Future Land Use Plan and zoning map to assure a continued supply of vacant land designated for a diversity of housing types and income categories," and is consistent overall with the plan.

C. Area Character/Surrounding Land Use

The subject property is located immediately adjacent to the St. Francis Catholic Church on Avenue "E" and is part of the church complex, having a rectory existing in the SW corner. Areas to the north, south and west of the site are exclusively single family residential neighborhoods that have been long established. The current zoning on the site and the church is CF, and the surrounding area is zoned RS-6 (Single Family Residential).

D. Impact Analysis

It is clear that a residential use on this site is basically consistent with the residential use existing in the area. The main thrust of the request here is the increase in density from single family residential to 15 dwelling units per acre.

From the viewpoint of the uses to the east, this would seem like an appropriate use. The Redevelopment Agency was given a chance to comment because the site directly abuts the redevelopment area, (although it is not located in the area), and they have indicated that they have no problem with the multiple family residential (up to 15 DUs/acre) designation.

The important factor in relation to those uses to the north, south and west is ensuring that the impact on these neighborhoods is minimized or non-existent. The church intends to build an 85 unit 3 story elderly housing project on the subject property, at a density of 15 DUs/acre. This density within a single family density (6 DUs/acre) normally could be considered incompatible with the area. However, staff feels that because of the nature of elderly occupancy the impact on the area would be the same as, or possibly less than the normal impact of the 34 single family homes which could be built with RS-6 zoning. Staff also feels that this compatibility can further be accomplished through

PLANNING AND ZONING BOARD MEETING
MAY 13, 1993
PAGE -9

proper site planning and sensitive architectural design, and these items will need to be considered carefully. the detailed site plan to be submitted by the church for approval will be the subject of review before the Planning and Zoning Board and City Council.

There is very little provision for elderly housing currently in the City, and a location to city center shopping and mass transit carriers is a preferable location for such housing. However, it is important to note that the physical impact on existing neighborhoods be carefully integrated into the design.

In the event the project does not go forward, the City would re-visit the zoning. However, protection is provided in the Land Use Plan be reference to use of the site for elderly housing.

Recommendation

The staff has reviewed the request by the Villa Franciscan Inc. to rezone their property on Avenue "F" and 20th Street from CF to RM-15, and recommends approval as requested. (subject to reversionary clause.)

END OF BACKGROUND INFORMATION SUBMITTED ^{stated at} _{mtg.}

Ms. Robin Tolar, representative of Villa Franciscan gave a brief presentation and answered questions as presented by the Board and staff. Refer to tape recording for specific comments.

Mr. Michael Dolch and Howard Steinholtz, representatives of Villa Franciscan, gave a presentation regarding requested rezoning.

Chairman Johnson requested those persons wishing to speak in favor or in opposition.

Helen Byrd, 340 W 22th Street, spoke in opposition to the requested rezoning.

Judith ^{Deal} ~~Field~~ 2030 Avenue "G", spoke in opposition to the requested rezoning.

Thomas Melton, 270 W 22nd Street, spoke in opposition to the requested rezoning.

Willie Singletary, 210 W 23rd Street, spoke in opposition to the requested rezoning.

Lorraine Iles, area resident, spoke in opposition to the

requested rezoning.

Majority of residents who spoke were generally supportive of elderly housing the but did not feel the area would be favorable for elderly residents. They expressed concern regarding crime in the area. They further expressed concern regarding past experience of multi-family units within the City.

Fr. McCue spoke in favor of the requested rezoning.

Refer to tape recording for specific comments made by area residents.

Chairman Johnson closed the public hearing to the public at this time.

Karen Golonka, Director of Planning and Zoning, gave comments regarding position of staff. Refer to background information for specific comments. She indicated to the Board that should the rezoning be approved that a site plan would be brought before the Board for their review/approval.

Ms. Tolar responded to questions/comments from the audience.

Lengthy discussion ensued among the Board Members, representatives of Villa Franciscan Inc., and staff regarding the multi-family use of property. Complete tape recording of the discussion is on file in the City Clerk's Office and available for review.

Lengthy discussion ensued among the Board Members regarding rezoning being contingent upon successful site plan approval by the Board and City Council.

Mr. Palmore made a motion that the Board recommend to City Council to approval of rezoning request from CF (Community Facilities) to RM-15 (Multi-family) subject to site plan approval. If site plan approval is not received, zoning would revert back.

Mrs. Moffitt seconded the motion. Upon a vote being taken, vote was three in favor and two in opposition.
MOTION PASSED. VOTE: 3-2.

VI. GENERAL DISCUSSION

Mrs. Moffitt inquired as to whether code enforcement routinely receives copies of conditions of approval. Discussion ensued with Board Members indicating they feel they should be notified so that conditions may be properly enforced.

NOTICE OF PUBLIC HEARING: CHANGE OF ZONING

Notice is hereby given that Villa Franciscan, Inc., owners of property located at Avenue "F" between 20th and 22nd Streets, Riviera Beach, Florida, have made application for a change of zoning from the Riviera Beach Land Development Code on that property described below from CF (Community Facilities) to RM-15 (Multiple Family Residential).

Legal Description:

Tract B (labeled "not included") as shown on Plat No. 1 PARK MANOR (Sheet No. 3) in the City of Riviera Beach, Florida which said plat is filed for record in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 26, Page 74, said Tract "B" being more particularly described as follows:

From the 1/4 section corner in the South line of Section 28, Township 42 South, Range 43 East, Palm Beach County, run thence North 0°56'10" West along the 1/4 section line, which is the centerline of Avenue "F", a distance of 271.15 feet; thence run North 89°58'40" West a distance of 25 feet to the intersection of the Westerly right-of-way line of Avenue "F" with the Northerly right-of-way of West 20th Street, said point of intersection being the Southeast corner of said Tract "B", and the point of beginning; thence continue Westerly on the same course a distance of 8.10 feet to the beginning of a curve, concave to the Southeast and having a radius of 389.90 feet and a central angle of 38°04'08"; thence run Southwesterly on the arc of said curve a distance of 259.06 feet to the end of said curve; thence run South 51°57'12" West a distance of 56.16 feet to the beginning of a curve, concave to the Northwest and having a radius of 467.78 feet and a central angle of 22°48'50"; thence run Southwesterly on the arc of said curve a distance of 186.26 feet; thence run North 0°01'20" East a distance of 636.28 feet to a point on a curve, concave to the North and having radius of 1086.27 feet and a central angle of 12°14'24"; said point being on the Southerly right-of-way line of West 22nd Street; thence run Easterly on the arc of said curve a distance of 232.06 feet to a point of reverse curvature; thence run Easterly on the arc of a curve, concave to the South and having a radius of 1036.27 feet and a central angle of 12°14'24", a distance of 221.38 feet to the intersection of said Southerly right-of-way line with the Westerly right-of-way of Avenue "F", said point of intersection being the Northeast corner of Tract "B" aforesaid; thence run Southerly (South 0°56'10" East) on said Westerly right-of-way line a distance of 484 feet to the Southeast corner of said Tract "B", the point of beginning. The above described Tract contains 5.67 acres, more or less.

A Hearing on said request has been scheduled before the City Council on Wednesday, December 1, 1993 at 7:30 p.m.

The Public Hearing will be held at the stated time or as soon thereafter as the matter can be heard, in the Council Chambers at City Hall, 600 West Blue Heron Boulevard Riviera Beach, Florida and continuing from time to time and place to place as the said meetings may be adjourned, to consider said matter.

Interested persons are encouraged to attend the Hearings and any adjournment thereof.

Application and plans are available for review in the Building Department of City Hall, 600 West Blue Heron Boulevard, Riviera Beach, Florida, Monday through Friday, between the hours of 8:30 a.m. and 5:00 p.m. except holidays. review in the Building Department of City Hall,

The City of Riviera Beach does not discriminate against the handicapped in meeting locations.

YOU WILL KINDLY GOVERN YOURSELVES ACCORDINGLY.

Gwendolyn E. Davis, City Clerk

"PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based".

Publish: Palm Beach Post Times

November 16, 1993
November 26, 1993