ORDINANCE NO. 2641

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 BE AMENDED BY DELETING THE UNCLASSIFIED POSITION OF DIRECTOR OF PERSONNEL/LABOR RELATIONS & RISK MANAGEMENT UNDER CLASS TITLE OF ADMINISTRATIVE, GENERAL AND BY CREATING THE UNCLASSIFIED POSITION OF DIRECTOR OF HUMAN RESOURCES UNDER CLASS TITLE OF ADMINISTRATIVE, GENERAL AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: That 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 deleting the unclassified position as follows:

CLASS TITLE	CLASSIFICATION	PAY GRADE	SALARY
Administrative, General	Director of Personnel/ Labor Relations & Risk Management	Adm. G	41,924 - 54,501

SECTION 2: 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 creating the unclassified position as follows:

CLASS TITLE	CLASSIFICATION	PAY GRADE	SALARY
Administrative, General	Director of Human Resources	Adm. G	41,924 - 54,501

SECTION 3: This Ordinance shall take effect as provided by law.

PASSED AND APPROVED on first reading this 19 day of October, 1994.

PASSED AND ADOPTED on second and final reading this 2nd day of November, 1994.

Signatures on next page.....

ORDINANCE NO. 2641

APPROVED:

MAYOR

CHAIRPERSON

ATTEST:

CITY CLERK

COUNCIL MEMBERS

1st Reading		2nd Reading
Motioned by:	B. RODRIGUEZ	B. RODRIGUEZ
Seconded by:	B. GUYTON	B. GUYTON
B. Orange	AYE	AYE
M. Confrey	AYE	AYE
B. Guyton	AYE	AYE
B. Rodriquez	AYE	AYE
M. Moffitt	AYE	AYE

10/27/94

ORDINANCE NO. 2642

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF RIVIERA BEACH, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

Section 1. The Code entitled "Code of Ordinances of the City of Riviera Beach, Florida" published by Municipal Code Corporation consisting of Chapters 1 through 31, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before March 16, 1994, and not included in the Code or recognized and continued in force by reference therein, are replaced.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine not exceeding $500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in the form as to indicate the intention of the city council to make the same a part of the Code shall be deemed to be incorporated in

the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after March 16, 1994 that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

PASSED AND APPROVED on first reading this 19th day of October, 1994.

PASSED AND ADOPTED on second and final reading this 2nd day of November, 1994.

APPROVED:

CLARA K. WILLIAMS, MAYOR

BERTHA ORANGE, CHAIRPERSON

MARGE CONFREY, CHAIR PRO TEM

ATTEST:

GWENDOLYN E. DAVIS, CITY CLERK

COUNCILMEMBERS

10/21/94

FIRST READING:

MOTIONED BY: B. RODRIGUEZ
SECONDED BY: B. GUYTON

B. ORANGE	AYE
M. CONFREY	AYE
M. MOFFITT	AYE
B. GUYTON	AYE
B. RODRIGUEZ	AYE

SECOND READING:

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

B. ORANGE	AYE
M. CONFREY	AYE
M. MOFFITT	AYE
B. GUYTON	AYE
B. RODRIGUEZ	AYE

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Riviera Beach, Florida, held on the 2ND day of November, 1994.

City Clerk

ORDINANCE NO. 2643

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING SECTION 2-120.2(1)(b)OF THE CITY CODE OF ORDINANCES RELATING TO THE GENERAL EMPLOYEES PENSION IS HEREBY AMENDED BY CHANGING THE ELIGIBILITY REQUIREMENT PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. That Section 2-120.2(1)(b)of the City Code of Ordinances relating to the General Employees Pension is hereby amended by changing the eligibility requirement:

(b) Any future employee must become a member upon ~~the completion of six (6) monthd of continous service.~~ employment.

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this ordinance may be to accomplish such intentions.

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

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

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

PASSED AND APPROVED on first reading this 2nd day of November, 1994.

PASSED AND ADOPTED on second and final reading this 7th day of December, 1994.

APPROVED:

Absent
MAYOR

Berita Orange
CHAIR

Margaret Confrey
CHAIR PRO TEM

Bruce A. Guyton

Marilyn S. Moffitt

COUNCIL MEMBERS

ATTEST:

CITY CLERK

	1st Reading	2nd & Final Reading
MOTIONED BY:	B. GUYTON	B. GUYTON
SECONDED BY:	M. CONFREY	M. CONFREY
B. ORANGE	AYE	AYE
M. CONFREY	AYE	AYE
B. GUYTON	AYE	AYE
B. RODRIGUEZ	AYE	AYE
M. MOFFITT	AYE	AYE

12/27/94

ORDINANCE NO. 2644

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 "ZONING" OF THE CODE OF ORDINANCES BY ASSIGNING IG (GENERAL INDUSTRIAL) ZONING FOR A CERTAIN PARCEL ALONG BARBOUR ROAD; DIRECTING THE CITY CLERK TO UPDATE THE CITY'S ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.041 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), Florida Statutes, which provides procedures for amendments affecting less than 5% of the City's total land area; and

WHEREAS, on November 10, 1994, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the Petitioners' requests for a proposed zoning change at a Public Hearing, and forwarded recommendations to the City Council; and

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

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

SECTION 1. Chapter 31, "Zoning" of the Riviera Beach Code of Ordinances is amended by assigning IG (General Industrial) zoning to the parcel of land legally described as follows:

From a point in the North line of the North half (N 1/2) of the South half (S 1/2) of the North half (N 1/2) of the Northwest quarter (NW 1/4) of said Section 36, at a distance of 885.96 feet Westerly, measured along said North line, from the East line of said Northwest Quarter (NW 1/4) of Section 36, run Northerly, parallel to the East line of said Northwest Quarter (NW 1/4) a distance of 810 feet to the Point of beginning and the Southeast corner of the parcel of land herein described; thence continue Northerly along the same course, a distance of 108.53 feet to a point in the Southerly Right of Way line of Seaboard Airline Railway: thence N 55° 17' 00'' W along the said Southerly Right of Way line a distance of 328.48 feet to a point; thence Easterly parallel to the North line of the North half (N 1/2) of the South Half (S 1/2) of the North half (N 1/2) of the Northwest Quarter (NW 1/4) of said Section 36, a distance of 270.00 feet to the point of Beginning.

Together with perpetual right of ingress and egress over and across a parcel of land, 60 feet in width, lying 30 feet each side of the following described centerline; From the centerline intersection of Military Trail and Dyer Road aforesaid; thence S 89° 52'17'' W along the centerline of Dyer Road a distance of 1155.96 feet to a point; thence

North a distance of 40 feet to a point in the Northerly Right of Way line of Dyer Road aforesaid, and the beginning of the herein described centerline; thence continue North a distance of 770.00 feet to a point, and the end of the herein described centerline.

SECTION 2. The City Clerk is authorized and directed to amend the City's official Zoning Map in accordance with the changes effected under this Ordinance.

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

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

PASSED AND APPROVED on first reading this 7th day of December, 1994.

PASSED AND ADOPTED on second reading this 21 day of December, 1994.

APPROVED:

MAYOR

CHAIRPERSON

[MUNICIPAL SEAL]

CHAIRPERSON PRO-TEM

ATTEST:

CITY CLERK

COUNCIL MEMBERS

	1st Reading	2nd & Final Reading
MOTIONED BY:	B. Guyton	B. RODRIGUEZ
SECONDED BY:	M. Moffitt	B. GUYTON
M. CONFREY	AYE	ABS
M. MOFFITT	AYE	AYE
B. ORANGE	AYE	AYE
B. RODRIGUEZ	AYE	AYE
B. GUYTON	AYE	AYE

REVIEWED FOR LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF

DATE:

ORDINANCE NO. 2645

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADDING SECTION 14-56 THROUGH 14-59 OF CHAPTER 14, PENSIONS AND RETIREMENT, OF THE CITY CODE OF ORDINANCES, RELATING TO LIMITATIONS ON BENEFITS, REQUIRED DISTRIBUTIONS, REPEAL OR TERMINATION OF FUND, ACTUARIAL EQUIVALENCE, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council, in accordance with Chapter 14 relating to additions to the Pensions and Retirement codes; is hereby amended as follows 14-56 through 14-59...

Sec. 14-56 Limitation on Benefits.

In no event may a member's annual benefit exceed the lesser of:

(A) $90,000 (adjusted for cost of living in accordance with Internal Revenue Code (IRC) Section 415(d), but only for the year in which such adjustment is effective), or

(B) 100% of the average annual compensation for the member's three highest paid consecutive years; however, benefits of up to $10,000 a year can be paid without regard to the 100% limitation if the total retirement benefits payable to a member under all defined benefit plans (as defined in IRC, Section 414(j)) maintained by the city for the present and any prior years do not exceed $10,000 and the city has not at any time maintained a defined contribution plan (as defined by IRC, Section 414(i)), in which the employee was member.

If the member has less than ten years of service with the city, the applicable limitation in paragraph (A) or paragraph (B) of this subsection shall be reduced by multiplying such limitation by a fraction, not to exceed one. The numerator of such fraction shall be the number of years, or part thereof, of participation in the plan; the denominator shall be ten years.

For purposes of this subsection, "annual benefit" means a benefit payable annually in the form of a straight life annuity with no ancillary or incidental benefits and with no member or rollover contributions. To the extent that ancillary benefits are provided, the limits set forth in paragraphs (A) and (B) above will be reduced actuarially, using an interest rate assumption equal to the greater of 5% or the rate used for actuarial equivalence, to reflect such ancillary benefits.

If distribution of retirement benefits begins before age 62, the dollar limitation as described in paragraph (A) shall be reduced actuarially using an interest rate assumption equal to the greater of 5% or the interest rate used for actuarial equivalence; however, retirement benefits shall not be reduced below $75,000 if payment of benefits begins at or after age 55 and not below the actuarial equivalent of $75,000 if payment of benefits begins before age 55. For a member who is a "qualified participant" (as defined in IRC Section 415(b)(2)(H) with 15 or more years of service with the city, the reductions described above shall not reduce such member's benefit below $50,000 (adjusted for cost of living in accordance with IRC Section 415(d), but only for the year in which such adjustment is effective). If retirement benefits begin after age 65, the dollar limitation of paragraph (A) shall be increased actuarially using an interest assumption equal to the lesser of 5% or the rate used for actuarial equivalence.

For purposes of this subsection, the "average annual compensation for

a member's three highest paid consecutive years" shall mean the member's greatest aggregate compensation during the period of three consecutive calendar years in which the individual was an active member of the plan. The sum of the defined benefit fraction and the defined contribution fraction for all qualified plans of the city for each common participant shall not exceed 1.0.

Sec. 14-57 Required Contributions.

In no event may a member's retirement benefit be delayed beyond the later of the April 1st following the calendar year in which he attains age seventy and one-half (70 1/2) or April 1st of the year following the calendar year in which he retires.

When the distribution of the participant's entire interest is not made in a lump sum, the distribution will be made in one or more of the following ways: over the life of the participant; over the life of the participant and the designated beneficiary; over a period certain not extending beyond the life expectancy of the participant; or over a period certain not exceeding beyond the joint life and last survivor expectancy of the participant and a designated beneficiary.

If distribution has commenced before the participant's death, the remaining interest will be distributed at least as rapidly as under the method of distribution being used as of the date of the participant's death.

The method of distribution, if the participant dies before distributions commence, must satisfy the following requirements: (a) any remaining portion of the participant's interest that is not payable to a beneficiary designated by the participant will be distributed within five years after the participant's death; and (b) any portion of the participant's interest that is payable to a beneficiary designated by the participant will be distributed either (i) within five years after the participant's death, or (ii) over the life of the beneficiary or over a period certain not exceeding beyond the life expectancy of the beneficiary, commencing not later than the end of the calendar year following the calendar year in which the participant died (or, if the designated beneficiary is the participant's surviving spouse, commencing not later than the end of the calendar year following the calendar year in which the participant would have attained age 70 1/2).

The plan shall operate in accordance with the requirements of the regulations under IRC Section 401(a)(9), including the minimum distribution incidental benefit requirements of section 1.401(a)(9)-2 of the proposed regulations.

Sec. 14-58 Repeal or termination of fund.

In the event of the termination or partial termination of this plan, each affected participant's accrued pension benefit shall become nonforfeitable, i.e., 100% vested, to the extent funded. At such time, the fund shall be appropriated and distributed in accordance with Chapter 185.37, Florida Statutes.

Sec. 14-59 Actuarial equivalence.

Actuarial equivalence or **actuarially equivalent** shall mean that any benefit payable under the terms of this plan in a form other than the normal form of benefit shall have the same actuarial present value on the date payment commences as the normal form of benefit. For purposes of establishing the actuarial present value of any form of payment, all future payments shall be discounted for interest and mortality by using 7% interest and the 1983 Group Annuity Mortality

Table for Males, with ages set ahead five years in the case of disability retirees.

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

SECTION 1. That Chapter 14, "Pensions and Retirement" is hereby amended.

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this ordinance may be renumbered to accomplish such intentions.

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

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

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

PASSED AND APPROVED on first reading this 7th day of December, 1994.

PASSED AND ADOPTED on second and final reading this 21st day of December, 1994.

APPROVED:

Clara K. Williams — Bertha Orange

MAYOR — **CHAIR**

CHAIR PRO TEM

ATTEST:

Bruce A. Guyton

Marilyn R. Moffitt

CITY CLERK

COUNCIL MEMBERS

	1st Reading	2nd & Final reading
MOTIONED BY:	B. GUYTON	B. RODRIGUEZ
SECONDED BY:	M. CONFREY	B. GUYTON
M. MOFFITT	AYE	AYE
M. CONFREY	AYE	ABS
B GUYTON	AYE	AYE
B. ORANGE	AYE	AYE
B RODRIQUEZ	AYE	AYE

REVIEWED FOR LEGAL SUFFICIENCY
ASSISTANT CITY ATTORNEY
CITY OF RIVIERA BEACH
12.7.94

ORDINANCE NO. 2646

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 2-118 (C), ARTICLE VI, DIVISION 3, OF CHAPTER 2 OF THE CODE OF ORDINANCE BY AMENDING THE LIST OF POSITIONS APPOINTED BY THE CITY MANAGER; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. That the positions appointed by City Manager be amended as follows and employees occupying these positions may only be terminated by the City Manager for justifiable cause:

1. ~~Administrative Assistant to Building Official~~;
2. ~~Administrative Assistant to Director of Public Works~~;
3. ~~Administrative Assistant to Director of Utilities~~;
4. Assistant Building Official;
5. Assistant Chief of Police;
6. Assistant City Manager for Finance & Administrative Services;
7. ~~Assistant Director of Recycling & Solid Waste Management~~;
8. Assistant Director of Utilities;
9. Assistant Finance Director;
10. ~~Assistant to the City Manager~~
11. Budget & Management Specialist;
12. Building Official;
13. Chief of Police;
14. City Clerk;
15. City Engineer;
16. City Planner;
17. Code Administrator;
18. Deputy City Clerk;
19. Deputy City Manager
20. Deputy Fire Chief;
21. Director of Community Development and Environment Control;

22. Director of Marina;

23. Director of Parks & Recreation;

24. Director of ~~Personnel/Lbr. Rel.~~ Human Resources;

25. Director of Planning & Zoning;

26. Director of Public Works;

27. ~~Director of Recycling & Solid Waste Management~~;

28. Director of Utilities;

29. ~~Director of Volunteer & Community Services~~;

30. Emergency Communications Manager;

31. ~~Economic Development Officer~~;

32. Fire Chief;

33. Grant Writer;

34. Housing & Community Development Coordinator;

35. Information Manager;

36. Legislative Aide;

37. Library Director;

38. Program Coordinator (Civil Court);

39. Purchasing Director;

40. Risk Manager;

41. Senior Planner;

42. Supervisor of Utility Billing & Collection

SECTION 2. It is with the intention of the City Council and it is hereby ordained by the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Riviera Beach, Florida, and the sections of this Ordinance may be renumbered to accomplish such intentions.

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

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

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

PASSED AND APPROVED on first reading this 7th day of December, 1994.

PASSED AND ADOPTED on second and final reading this 21 day of December, 1994.

MAYOR

CHAIRPERSON

[MUNICIPAL SEAL]

CITY CLERK

CHAIR PRO-TEM

COUNCIL MEMBERS

1ST READING		2ND READING
Motioned by:	M. MOFFITT	B. GUYTON
Seconded by:	B. GUYTON	B. RODRIGUEZ
B. Orange	AYE	AYE
M. Confrey	AYE	ABS
B. Rodriguez	AYE	AYE
B. Guyton	AYE	AYE
M. Moffitt	AYE	AYE

11/10/94

ORDINANCE NO. 2647

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE APPROVED FISCAL YEAR 1994-95 BUDGET OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT AND ENVIRONMENTAL CONTROL BY CREATING A NEW POSITION OF BUILDING CLERK IN THE BUILDING INSPECTION DIVISION.

WHEREAS, the City of Riviera Beach is desirous of performing with maximum efficiency when dealing with the public; and

WHEREAS, the staff of the Building Inspection Division has been cut in previous years due to a slow down of activity in the construction industry; and

WHEREAS, there has been a noticeable increase in building permit activities during the past year, creating the need for additional personnel.

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

SECTION 1. That the Fiscal Year 1994-95 approved budget for the Building Inspection Division of the Department of Community Development and Environmental Control be amended to add a new position of Building Clerk.

SECTION 2. That the Building Clerk be classified as a Civil Service position at pay grade G-20, per the position description attached hereto and made a part thereof by reference.

SECTION 3. That this Ordinance shall take effect upon its passage.

PASSED AND APPROVED on first reading this 7th day of December, 1994.

PASSED AND ADOPTED on second reading this 21st day of December, 1994.

APPROVED:

MAYOR

CHAIRPERSON

[MUNICIPAL SEAL]

CHAIRPERSON PRO-TEM

ATTEST:

CITY CLERK

COUNCILMEMBERS

	1st Reading	2nd & Final Reading
MOTIONED BY:	M. MOFFITT	M. MOFFITT
SECONDED BY:	B. GUYTON	B. GUYTON
M. CONFREY	AYE	ABS
C. BECTON	AYE	AYE
B. ORANGE	AYE	AYE
B. RODRIGUEZ	AYE	AYE
B. GUYTON	AYE	AYE

1/10/94

BUILDING CLERK
CITY OF RIVIERA BEACH

MAJOR FUNCTION

This is responsible public contact work in determining the types of permits required and fees to be charged for various uses of, or work performed within the City's right-of-way or zoned right-of-way limits, and privately owned property. Work in this class involves responsibility for issuing permits, as well as the estimating of fees and costs to the City for the use of property. Work is performed under general supervising. Make minor checks of incoming plans for compliance with check list submittal form.

ILLUSTRATIVE DUTIES

Issues permits to builders, contractors, various other private individuals for construction, repairs, reconstruction and other changes caused within the City's right-of-way and zoned right-of-way limits, or on privately owned property, pertaining to new paving and repaving, cutting into streets, curbs, gutters and sidewalks; also for line and grade surveys for commercial building construction or repairs, and for a variety of miscellaneous permits such as the installation of signs, moving houses, erecting fences, billboards, etc.

Examines building plans, blueprints, specifications and sketches, presented by applicants for permits to determine correct legal descriptions; inserts details on plans which do not correspond with City records or requirements.

Performs related work as required.

MINIMUM QUALIFICATIONS

Knowledge, Abilities and Skills: Considerable knowledge of the ordinances, rules and regulations in codes which pertain to the issuing of permits. Ability to: ascertain the types of permits, costs and fees applicable to each permit; exercise good judgment and tact in the interpretation of the City's requirements and explaining the various rules and regulations and procedures to be followed for obtaining permits; use tact and understanding while in constant contact with the public, with firmness and impartiality. Knowledge of the methods, practices and techniques involved in general construction and repair work. Ability to: read and interpret simple building plans and blue prints, sketches and specifications; determine with accuracy and thoroughness the proper kinds of permits to be issued and explain the provisions of each type, since misinformation can result in considerable expense to the property owners, contractors, or the City; estimate the amounts of deposits, costs and fees pertaining to each type of permit; establish and maintain effective working relations with builders, contractors, property owners, representatives of commercial, industrial and utility companies.

Training and Experience: Previous experience in clerical work in construction or related work, some experience involving public contacts. Graduation from high school or equivalent. Ability to type 45/WMP, computer experience preferred.

ORDINANCE NO. 2648

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING AN ADULT ENTERTAINMENT CODE REGULATING ADULT ENTERTAINMENT AND ADULT ENTERTAINMENT ESTABLISHMENTS; PROVIDING DEFINITIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.04, *Florida Statutes,* provides procedures for a municipality to adopt an ordinance; and

WHEREAS, legal notice procedures were followed in accordance with the above and the City of Riviera Beach Code of Ordinances; and

WHEREAS, Article II in Chapter 3 of the City of Riviera Beach Code of Ordinances regulates adult entertainment in alcoholic beverage establishments; and

WHEREAS, the City of Riviera Beach is interested in adopting definitions and standards to regulate all adult entertainment and adult entertainment establishments in order to protect and enhance the public health, safety, welfare and morals of the residents, property owners and visitors to the City; and

WHEREAS, the City Council, acting as the Local Governing Body, has conducted a public hearing regarding the contents of this ordinance.

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

SECTION 1. Article II, entitled "Adult Entertainment at Alcoholic Beverage Establishments," in Chapter 3 of the City's Code of Ordinances is hereby repealed in its entirety, and is replaced by Attachment A, entitled "Adult Entertainment Code."

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Riviera Beach, Florida, and the sections of this ordinance may be renumbered to accomplish such intentions.

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

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

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

PASSED AND APPROVED on first reading this 7th day of December, 1994.

PASSED AND ADOPTED on second reading this 21 day of December, 1994.

APPROVED:

MAYOR

CHAIRPERSON

[MUNICIPAL SEAL]

CHAIRPERSON PRO-TEM

ATTEST:

CITY CLERK

COUNCILMEMBERS

	1st Reading	2nd & Final Reading
MOTIONED BY:	M. MOFFITT	M. MOFFITT
SECONDED BY:	B. GUYTON	B. GUYTON
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REVIEWED FOR LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: _____

ATTACHMENT "A"

ADULT ENTERTAINMENT CODE
CITY OF RIVIERA BEACH, FLORIDA

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ADULT ENTERTAINMENT CODE
CITY OF RIVIERA BEACH, FLORIDA

ARTICLE I - IN GENERAL

Section 1. Title. This ordinance shall be known and may be cited as the "Adult Entertainment Code."

Section 2. Authority. This code is enacted under the home rule power of the City of Riviera Beach, in the interest of the health, peace, safety, and general welfare of the people of the City of Riviera Beach and under the authority of City of Riviera Beach, hereafter, the "City," to regulate the sale and consumption of alcoholic beverages under the Twenty-First Amendment to the Constitution of the United States.

Section 3. Scope. This Adult Entertainment Code shall be effective throughout the City.

Section 4. Purpose. The intent of the Riviera Beach City Council in adopting this code is to establish reasonable and uniform regulations for the adult entertainment industry that will protect the health, safety, property values, and general welfare of the people, businesses, and industries of the City. It is not the intent of the Riviera Beach City Council to legislate with respect to matters of obscenity. These matters are regulated by federal and state law, including Chapter 847 of the Florida Statutes.

Section 5. Findings of facts. Based on evidence and testimony presented at one or more public hearings before the City Council and on the findings incorporated in the United States Attorney General's Commission on Pornography (1986), Jacksonville Ordinance Code, Chapter 410, Ordinance 77-257-256, Section 1, the Los Angeles Municipal Code, Section 12.70, Ordinance 156509 (1982), the Detroit Zoning Ordinance, 66,0000, Ordinance 742-G, Section 1, 10-24-72, and "A Summary of a National Survey of Real Estate Appraisers Regarding the Effect of Adult Bookstores on Property Values," conducted by the Division of Planning, Department of Metropolitan Development, Indianapolis, January 1984, the City Council hereby finds:

(a) Adult entertainment establishments exist or may exist within the City and other nearby cities or counties where books, magazines, periodicals or other printed material, or photographs, films, motion pictures, prints, videotapes, slides, or other visual representations or recordings, or recordings or other audio matter, or instruments, novelties devices, or paraphernalia which depict, illustrate, describe or relate to specified sexual activities or specified anatomical areas are possessed, displayed, exhibited,

distributed or sold.

(b) Adult entertainment establishments exist or may exist within the City and other nearby cities or counties where dancers, entertainers, performers, or other individuals, who, for commercial gain, perform or are presented while displaying or exposing specified anatomical area; or engage in straddle dancing or touching with customers.

(c) The activities described in subsections (a) and (b) occur at adult entertainment establishments which operate for the purpose of making a profit and, as such, are subject to regulation by the City in the interest of the health, safety, economy, property values, and general welfare of the people, businesses, and industries of the City. A major industry which is important to the community's economic welfare is tourism by persons seeking to bring children to visit attractions who wish to stay in a community with a family atmosphere.

(d) When the activities described in subsections (a) and (b) are present in adult entertainment establishments, other activities which are illegal, unsafe, or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, pandering, solicitation for prostitution, lewd and lascivious behavior, exposing minors to harmful materials, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and property.

(e) When the activities described in subsections (a) and (b) are competitively exploited in adult entertainment establishments, they tend to attract an undesirable number of transients, blight neighborhoods, adversely affect neighboring businesses, lower real property values, promote the particular crimes described in subsection (d), and ultimately lead residents and businesses to move to other locations.

(f) The adult entertainment establishments in which the activities described in subsections (a) and (b) occur often are constructed, in part or in whole of substandard materials, maintained in a manner reflecting disregard for the health and safety of the occupants, and have exterior signs or appearance that lower the surrounding property values and contribute to urban decline.

(g) The activities described in subsections (a) and (b) often occur in adult entertainment establishments concurrent with the sale and consumption of alcoholic beverages.

(h) The concurrence of the sale and of alcoholic beverages with the activities described in subsections (a) and (b) leads to a further increase in criminal activity, unsafe activity, and disturbances of the peace and order of the surrounding community.

(i) The concurrence of the sale and consumption of alcoholic beverages with the activities described in subsections (a) and (b) creates additional hazards to the health and safety of persons in attendance and further depreciates the value of adjoining real property harming the economic welfare of the surrounding community and adversely affecting the quality of life, tone of commerce, and community environment.

(j) In order to preserve and safeguard the health, safety, property values, and general welfare of the people, businesses, and industries of the City, it is necessary and advisable for the City to regulate the sale and consumption of alcoholic beverages at adult entertainment establishments where the activities described in subsections (a) and (b), occur.

(k) Employees of adult entertainment establishments at which the activities described in subsections (a) and (b) occur engage in a higher incidence of certain types of unhealthy or criminal behavior than employees of other adult entertainment establishments.

(l) Physical contact or touching within adult entertainment establishments at which the activities described in subsections (a) and (b) occur between employees exhibiting specified anatomical areas and customers poses a threat to the health of both and promotes the spread of communicable and social diseases.

(m) In order to preserve and safeguard the health, safety, and general welfare of the people of the City it is necessary and advisable for the City to regulate the conduct of owners, managers, operators, agents, employees, entertainers, performers, and customers at adult entertainment establishments where the activities described in subsections (a) and (b) occur.

(n) The potential dangers to the health, safety, and general welfare of the people of the City posed by permitting an adult entertainment establishment at which the activities described in subsections (a) and

(b) occur to operate without first meeting the requirements for obtaining a license under this code are so great as to require the licensure of such adult entertainment establishments prior to their being permitted to operate.

(o) Requiring operators of adult entertainment establishments at which the activities described in subsections (a) and (b) occur to keep a list of information concerning current employees and certain recent past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects, and by preventing minors from working in such adult entertainment establishments.

(p) Prohibiting adult entertainment establishments at which the activities described in subsections (a) and (b) occur from operating within set distances of educational institutions, religious institutions, residences, areas zoned or designated for residential use, and parks, at which minors are customarily found, will serve to protect minors from the adverse affects of the activities that accompany such adult entertainment establishments.

(q) Straddle dancing, unregulated private performances, and enclosed adult booths in adult entertainment establishments at which the activities described in subsection (a) and (b) occur have resulted in indiscriminate commercial sex between strangers and poses a threat to the health of the participants and promotes the spread of communicable sexually transmitted diseases. Straddle dancing is primarily conduct rather than communication or expression.

Section 6. Definitions. The following words, terms and phrases, when used in this code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

"Adult bookstore" shall mean

(a) an adult entertainment establishment which advertises, sells or rents, or offers for sale or rent adult material.

(b) The provisions of subsection (a) are not intended to apply and it is an affirmative defense to an alleged violation of this code regarding operating an adult bookstore without an adult entertainment license if the alleged violator shows that at the adult entertainment establishment:

(1) admission is not restricted to adults only, and

(2) all adult material is accessible only by employees, and

(3) the gross income from the sale or rental of adult material comprises less than ten percent of the gross income from the sale and rental of the goods or services at the adult entertainment establishment, and

(4) the individual items of adult material offered for sale or rental comprise less than 25 percent of the total individual new items publicly displayed as stock in trade in any of the following categories: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videotapes, slides, or other visual representations, or recordings, or other audio matter or less than 25 percent of the individual used items publicly displayed at the adult entertainment establishment as stock in trade in the same categories set out above.

"Adult booth" shall mean a small enclosure inside an adult entertainment adult entertainment establishment accessible to any person, regardless of whether a fee is charged for access. The term "adult booth"' includes, but is not limited to, a "peep show" booth, or other booth used to view "adult material" but does not include a restroom or a foyer through which the public enters or exits the adult entertainment establishment.

"Adult entertainment establishment" shall mean an adult theater, an adult bookstore, or an adult performance establishment operated for commercial or pecuniary gain, regardless of whether such adult entertainment establishment is licensed under this code. "Operated for commercial or pecuniary gain" shall not depend upon actual profit or loss. An adult entertainment establishment which has an occupational license shall be presumed to be "operated for commercial or pecuniary gain". An adult entertainment establishment with an adult entertainment license shall be presumed to be an adult entertainment establishment.

"Adult material" shall mean any one or more of the following regardless of whether it is new or used:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videotapes, slides, or other visual representations, or recordings, or other audio matter, which have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or

(b) Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified

sexual activities.

"Adult performance establishment" shall mean

(a) an adult entertainment establishment where any employee:

(1) displays or exposes any specified anatomical areas to a person other than another employee, regardless of whether the employee actually engages in dancing:

(2) wears any covering, tape, pastie, or other device which simulates or otherwise gives the appearance of the display or exposure of any specified anatomical areas, regardless of whether the employee actually engages in dancing:

(3) offers, solicits, or contracts to dance or perform with a person other than another employee in consideration for any tip, remuneration or compensation from or on behalf of that person: or

(4) dances or performs with or within three feet of a person other than another employee and accepts any consideration, tip, remuneration, or compensation from or on behalf of that person.

(b) It is an affirmative defense that an adult entertainment establishment does not exist if the predominant business or attraction offered to customers is not a product, service, or entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and, the adult entertainment establishment is not distinguished by an emphasis on or the advertising or promotion of materials relating to or employees depicting, describing, displaying, exposing, or simulating specified sexual activities or specified anatomical areas.

(c) An adult performance establishment shall not be deemed a place provided or set apart for the purpose of exposing or exhibiting a person's sexual organs in a manner contrary to the first sentence of Section 800,03, Florida Statutes, the State's indecent exposure statute as set forth in the decision of the Supreme Court of Florida in the case of Hoffman v. Carson, 250 So.2d 891, 893 (Fla. 1971), appeal dismissed 404 U.S. 981 (1971).

"Adult theater" shall mean any adult entertainment establishment which has adult booths where adult material may be viewed or any adult entertainment establishment which has an auditorium, rooms, or an open-air area where persons may view films, motion pictures, video cassettes, slides, or other photographic reproductions which have as their primary or dominant theme matters depicting, illustrating, or relating to specified sexual

activities or specified anatomical areas. Adult booth or peep show arcades are considered to be adult theaters.

"Alcoholic beverage" shall mean a beverage containing more than one percent of alcohol by weight. It shall be prima-facie evidence that a beverage is an alcoholic beverage if there is proof that the beverage in question was or is known as beer, wine, whiskey, moonshine whiskey, moonshine, shine, rum, gin, tequila, bourbon, vodka, scotch, scotch whiskey, brandy, malt liquor, or by any other similar name or names, or was contained in a bottle or can labeled as any of the above names, or a name similar thereto, and the bottle or can bears the manufacturer"s insignia, name, or trademark. Any person who, by experience in the handling of alcoholic beverages, or who by taste, smell, or drinking of such alcoholic beverages has knowledge of the alcoholic nature thereof, may testify as to his opinion about whether such beverage is an alcoholic beverage.

"Conviction" shall mean a determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended.

"Department" shall mean the Fire Department, Police Department, Planning and Zoning Division, or Code Enforcement and Licensing Division, including the respective director, employees, officers and agents thereof.

"Educational institution" shall mean a premises or site upon which there is an institution of learning for minors, whether public or private, which conducts regular classes or courses of study required for eligibility to certification by, accreditation to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Secondary Schools, or the Florida Council of Independent Schools. The term "educational institution" includes a premises or site upon which there is a nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of learning. However, the term "educational institution" does not include a premises or site upon which there is a vocational institution, professional institution or an institution of higher education, including a community college, junior college, four year college or university.

"Employee" shall mean a person who works, performs, or provides services at an adult entertainment establishment, irrespective of whether said person is paid a salary or wage and shall include, but is not limited to, independent contractors, sub-contractors, lessees, or sub-lessees who work or perform at an adult entertainment establishment.

"Law enforcement officer" shall mean an officer who is on official duty for a law enforcement agency.

"Licensee" shall mean any person whose application for an adult entertainment establishment has been granted and who owns, operates or controls the adult entertainment establishment.

"Operator" shall mean any person who engages in or performs any activity necessary to, or which facilitates, the operation of an adult entertainment establishment, including but not limited to, the licensee, manager, owner, doorman, bouncer, bartender, disc jockey, sales clerk, ticket taker, or movie projectionist.

"Park" shall mean a tract of land within a city or unincorporated area of a county which is kept for ornament or recreation and which is maintained as public property.

"Pre-existing" shall mean as follows:

(a) When used together with the term "adult entertainment establishment," "religious institution," "educational institution," "commercial adult entertainment establishment that in any manner sells or dispenses alcohol for on-premises consumption," or "residence" the word "pre-existing" shall mean:

(1) the adult entertainment establishment, institution, or residence is already being lawfully used or lawfully occupied; or

(2) a building permit for the adult entertainment establishment, institution, or residence has been lawfully issued, all fees associated with the permit have been paid, and the permit has not expired; or

(3) an application or plan to allow the adult entertainment establishment, institution, or residence to be constructed, used, or occupied has been filed and is undergoing review or is approved, with or without conditions.

(b) When used together with the term "park," the word "pre-existing" shall mean:

(1) the park is already being used; or

(2) the park site has been approved or otherwise designated by the appropriate governing body.

"Private performance" shall mean modeling, posing, or the display or exposure of any specified anatomical area by an employee of an adult entertainment establishment to a person other than another employee, while the person is in an area not accessible during such display to all other persons in the adult entertainment establishment or, while the person is in an area in which the person is totally or partially screened or partitioned during such

display from the view of all persons outside the area.

"Public nudity" shall mean to display or expose at an adult entertainment establishment less than completely and opaquely covered:

(a) human genitals or pubic region,

(b) the cleavage of the human buttocks,

(c) the areola or nipple of the human female breast.

"Religious institution" shall mean a premises or site which is used primarily or exclusively for religious worship and related religious activities.

"Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(1) human genitals or pubic region; or

(2) any part of the human buttocks; or

(3) that portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple). This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed.

(b) Human male genitals in a discernibly erect or turgid state, even if completely and opaquely covered.

"Specified criminal act" shall mean:

(a) A violation of Article V of this adult entertainment code; or

(b) Any offense under the following chapters of the Florida Statutes; Chapter 794 regarding sexual battery, Chapter 796 regarding prostitution, Chapter 800 regarding lewdness and indecent exposure, and Chapter 847 regarding obscene literature; or

(c) An offense under an analogous statute of a state other than Florida, or an analogous ordinance of another city or county.

"Specified sexual activity" shall mean:

(a) Human genitals in a state of sexual stimulation, arousal, erection or tumescence; or

(b) Fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast; or

(c) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, or urolagnia; or

(d) Excretory functions as part of or in connection with any of the activities set forth in subsections (a), (b), or (c).

"Straddle dance," also known as a "lap dance" or "face dance," shall mean either of the following acts:

(a) The use by an employee of any part of his or her body to touch the genital or pubic area of a person while at the adult entertainment establishment, or the touching of the genital or pubic area of any employee with a person while at the adult entertainment establishment. It shall be a "straddle dance" regardless of whether the "touch" or "touching" occurs while the employee is displaying or exposing any specified anatomical area. It shall also be a straddle dance regardless of whether the touch or touching is direct or through a medium.

(b) The straddling of the legs of an employee over any part of the body of a person other than another employee at the adult entertainment establishment, regardless of whether there is a touch or touching.

Section 7. **Enforcement.** The provisions of this code may be enforced by:

(a) a suit brought by the City in the circuit court to restrain, enjoin, or prevent a violation of this code; or

(b) enforcement proceedings by the City Code Enforcement Board; or

(c) criminal prosecution as provided in Article V, Section 50 of this code.

Section 8. **Responsibilities of departments.** Ultimate responsibility for the administration of this code is vested in the Riviera Beach City Council. The other departments are responsible

for the following:

(a) The Code Enforcement and Licensing Division is responsible for granting, denying, revoking, renewing, suspending, and canceling adult entertainment licenses for proposed and existing adult entertainment establishments as set out in Article II of this code.

(b) The Code Enforcement and Licensing Division is responsible for inspecting any proposed or existing adult entertainment establishment in order to ascertain compliance with Article IV of this code and all applicable statutes, ordinances, and regulations.

(c) The Police Department is responsible for verifying information contained on an application made pursuant to Section 21, for inspecting proposed, or existing adult entertainment establishments in order to ascertain compliance with applicable criminal statutes and ordinances, including those set forth at Article V of this code, for determining whether adult entertainment license applicants have been convicted of a felony or a specified criminal act within the previous five years, and for enforcing applicable criminal statutes and ordinances, including those set forth at Article V of this code.

(d) The Fire Department is responsible for inspecting any proposed or existing adult entertainment establishment in order to ascertain compliance with Article IV of this code and all applicable fire codes, statutes, ordinances, and regulations.

(e) The Planning and Zoning Division is responsible for ascertaining whether the location of proposed adult entertainment establishments complies with all distance, zoning, and location requirements of Article III of this code, applicable portions of Article IV of this code, and all applicable zoning regulations in the City and whether existing adult entertainment establishments are in compliance with Article III and Article IV of this code and all applicable zoning regulations and land use laws.

Section 9. Appeals. Any decision of the Code Enforcement and Licensing Division made pursuant to Article II of this code ("Licensing") may be appealed to the Code Enforcement Board. An appeal must be submitted in writing to the Code Enforcement and Licensing Division within 10 days of the administrative decision being appealed. Such appeal shall be scheduled for the next regular meeting of the Code Enforcement Board. Any determination of the Code Enforcement Board may be appealed to circuit court, upon the filing of an appropriate pleading by an aggrieved party.

Section 10. Notice. Any notice required under this code shall be accomplished by sending a written notification by certified mail to the mailing address set forth on the application for the license.

Section 11. **Immunity from prosecution.** The City or any of its departments or agents or any law enforcement officer shall be immune from prosecution, civil or criminal, for reasonable, good-faith trespass upon an adult entertainment establishment while acting within the scope of the authority under this code.

Section 12. **Construction.** This Code shall be liberally construed to accomplish its purpose of licensing, regulating and dispersing adult entertainment and related activities. Unless otherwise indicated, all provisions of this code shall apply equally to all persons, regardless of sex. Masculine pronouns, such as 'he,' 'his,' and 'him,' as employed in this Code, shall also be construed to apply to feminine pronouns and neutral pronouns, unless the context suggests otherwise. Words used in the singular number shall include the plural number, unless the context suggests otherwise.

Section 13. **Severability.** If any portion of this code, or any application thereof is declared to be void, unconstitutional or invalid for any reason, such portion or provision, or the application thereof, shall be severable from this code. The remaining portions and provisions of this code, and all applications thereof shall remain in full force and effect. No void, unconstitutional or invalid portion or proscribed provision, or application thereof, was an inducement to the enactment of this code.

ARTICLE II - LICENSING

Section 20. **License required; classifications.**

(a) **Requirement.** No adult entertainment establishment shall be permitted to operate without having been first granted an adult entertainment license by the Code Enforcement and Licensing Division under this code.

(b) **Classifications.** Adult entertainment establishment licenses referred to in this code shall be classified as follows:

(1) Adult bookstore;

(2) Adult theater; or

(3) Adult performance establishment.

(c) **Single classification of license.** An adult entertainment license for a particular adult entertainment establishment shall be limited to one classification of license.

Section 21. Application for license; application fee; consent by applicant.

(a) **Required.** Any person desiring to operate an adult entertainment establishment shall file with the Code Enforcement and Licensing Division a sworn license application on standard application forms supplied by the Code Enforcement and Licensing Division.

(b) **Contents of application.** The completed application shall contain the following information and shall be accompanied by the following documents:

(1) If the applicant is:

a. An individual, the individual shall state his legal name and any aliases and submit satisfactory proof that he is 18 years of age or older; or

b. A partnership, the partnership shall state its complete name, the names and mailing addresses of all partners whether general or limited, the residence address of at least one person authorized to accept service of process, and provide a copy of any existing partnership agreement; or

c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing, the names and capacity of all officers, directors and principal stockholders, the name and address of the registered corporate agent for service of process, and provide a copy of its articles of incorporation and charter;

(2) If the applicant intends to conduct the adult entertainment establishment under a name other than that of the applicant, the applicant shall provide evidence of the adult entertainment establishment's fictitious name registration under Florida Statute Section 865.09;

(3) Whether the applicant or any of the other individuals listed pursuant to subsection (1) has, within the five-year period immediately preceding the date of the application, been convicted of a felony of any state or of the United States or any specified criminal act and, if so, the specific crime involved, the date of conviction and the place of conviction;

(4) Whether the applicant or any of the other individuals listed pursuant to subsection (1) has had a previous license under this code suspended or revoked, including

the name and location of the adult entertainment establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation, and whether the applicant or any other individuals listed pursuant to subsection (1) has been a partner in a partnership or an officer, director or principal stockholder of a corporation whose license under this code has previously been suspended or revoked, including the name and location of the adult entertainment establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation;

(5) Whether the applicant or any other individuals listed pursuant to subsection (1) holds any other licenses under this code and, if so, the names and locations of such other licensed adult entertainment establishments;

(6) The single classification of license for which the applicant is filing;

(7) The location of the proposed adult entertainment establishment, including a legal description of the property site, and a legal street address;

(8) The applicant's mailing address, business addresses, residential address, and business and residential telephone numbers; and

(9) A site plan drawn to appropriate scale of the proposed adult entertainment establishment, including, but not limited to:

a. All property lines, rights-of-way, and the location of buildings, parking areas and spaces, curb cuts, and driveways.;

b. All windows, doors, entrances and exits, fixed structural features, walls, stages, partitions, projection booths, admission booths, adult booths, concession booths, stands, counters and similar structures;

c. All proposed improvements or enlargements to be made, which shall be indicated and calculated in terms of percentage of increase in floor size;

(10) A recent photograph of the applicant;

(11) Fingerprints of the applicant; and

(12) The applicant's social security number or employer's tax identification number and either

the applicant's driver's license number or the number of a state or federally issued identification card.

(c) **Application fee.** Each application shall be accompanied by a non-refundable, administrative processing fee of $200.00.

(d) **Incomplete application.** In the event the Code Enforcement and Licensing Division determines or learns at any time that the applicant has not properly completed the application for a proposed adult entertainment establishment, that division shall promptly notify the applicant of such fact and shall allow the applicant ten days to properly complete the application. (The time period for granting or denying a license under Section 23 shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.)

(e) **Consent.** By applying for a license under this code, the applicant shall be deemed to have consented to the provisions of this code and to the exercise of their responsibilities under this code by the agents or departments of the City.

Section 22. Processing of application; investigation; findings.

(a) **Processing.** Upon receipt of a complete application properly filed with the Code Enforcement and Licensing Division and upon payment of the non-refundable application fee, the Code Enforcement and Licensing Division shall immediately stamp the application with the date it was received and shall immediately thereafter send photocopies of the application and all attachments to the Police Department, the Building Division, the Fire Department, and the Planning and Zoning Division.

(b) **Investigation.** Each department shall promptly conduct an investigation of the applicant, application, and the proposed adult entertainment establishment in accordance with its responsibilities summarized at Section 7 of this code to determine whether false, incomplete, or incorrect information was give on the application or whether the proposed adult entertainment establishment will be in violation of any provision of Article III or Article IV of this code or of any building, fire, health, or zoning statute, code, ordinance, regulation, lease, deed restriction, or court order.

(c) **Findings.** After investigation, each department report its findings in writing and shall forward its findings to the Code Enforcement and Licensing Division within 14 days and shall state whether the department finds that false, incomplete, or incorrect information was give on the application or whether the proposed adult entertainment establishment will be in violation of any provision of Article III or Article IV of this code or of any building, fire, health, or zoning statute, code, ordinance, regulation, lease, deed restriction, or court order.

Section 23. Grant; denial; rejection.

(a) **Time period for granting or denying license.** The Code Enforcement and Licensing Division shall grant or deny an application for a license under this Article II within 30 days from the date of its proper filing.

(b) **Granting of application for license.** Upon the applicant meeting the requirements of this chapter, the Code Enforcement and Licensing Division shall grant the application, notify the applicant and issue the license to the applicant upon payment of the appropriate annual license fee required in Section 24 and Section 25.

(c) **Denying of application for license.**

(1) The Code Enforcement and Licensing Division shall review the findings reported by the departments or divisions, and shall deny the application for any of the following reasons:

a. The application contains material false information or is incomplete;

b. The granting of the application would violate a statute or ordinance, deed restriction, lease, or an order from a court of law which prohibits the applicant from obtaining an adult entertainment establishment license.

c. The applicant or any of the other individuals listed pursuant to Section 21(b)(1) has had a license under this code suspended or revoked by the Code Enforcement and Licensing Division or the State of Florida, or upon investigation has had an adult entertainment license revoked by any government subdivision of any city, county, state or federal government.

d. An adult entertainment license has not been obtained from Palm Beach County, or a copy of that license has not been provided with the application to the City.

(2) If the Code Enforcement and Licensing Division denies the application, that division shall notify the applicant of the denial, and state the reason(s) for the denial.

(d) **Rejection of application.** If a person applies for a license at a particular location within a period of nine months from the date of denial of a previous application for a license at the location, and there has not been an intervening change in the

circumstances which would lead to a different decision regarding the former reason(s) for denial, the application shall be rejected.

Section 24. Licenses; term; renewal; expiration; cancellation; reports; consent.

(a) **Contents.** An adult entertainment license shall state the name of the licensee, the name of the adult entertainment establishment, the street address of the adult entertainment establishment, the classification of the license, the date of issuance, and the date of expiration.

(b) **Term.** All licenses issued under this code shall be annual licenses which shall commence on October 1st, if the renewal fee has been paid, and shall expire on September 30th of the following year. The required fee for a license shall not be prorated and shall be paid in full at the time of issuance.

(c) **Renewals.** Licenses shall be renewed annually. Subject to other provisions of this code, a licensee under this code shall be entitled to a renewal of his annual license from year to year, as a matter of course, by October 1st by presenting the license for the previous year and by paying the appropriate license fee. The licensee is responsible for renewal each year whether notice is received by licensee or not.

(d) **Expiration.** A license that is not renewed under this code by October 1st of each year shall expire. An expired license may be renewed by November 30th of the same year upon payment of the appropriate license fee, and upon payment of a penalty of ten percent of the appropriate license fee for the month of October, or fraction thereof, and an additional penalty of five percent of the appropriate license fee for the month of November, or fraction thereof. After November 30th, a license shall be void if the renewal fee has not been paid, and a new application must be submitted to receive a new license.

(e) **Cancellation.** All expired licenses not renewed by November 30th shall be canceled summarily by the Code Enforcement and Licensing Division.

(f) **Reports and records.** Each licensee shall keep such records and make such reports as may be required by the Code Enforcement and Licensing Division and the departments to implement this code and to carry out its purpose. Whenever the information required by or provided under Section 21(b) has changed, the licensee shall report any changed information to the Code Enforcement and Licensing Division within ten days of the change.

(g) **Consent.** By holding a license under this code, the licensee shall be deemed to have consented to the provisions of this code and to the exercise by the Code Enforcement and Licensing Division and the departments of their responsibilities under this

code. The licensed adult entertainment establishment shall be the subject to inspection by city, county, state and federal officials at all times during normal business hours. Such inspections may include all licenses, premises, employees and accounting records.

Section 25. Annual license fee.

(a) **Levy.** There are hereby levied the following annual license fees under this Code for an adult entertainment establishment:

(1) An adult bookstore - $1,200.00.

(2) An adult theater, as follows:

a. Having only adult booths - $50.00 for each booth;

b. Having only a hall or auditorium - $5.00 for each seat; or

c. Having a combination of a., b. or c. - the cumulative license fee applicable to each under such subsections.

(3) An adult performance establishment - $1,800.00.

(b) **Fees regulatory.** The annual license fees collected under this code are declared to be regulatory fees which are collected for the purpose of examination and inspection of adult entertainment establishments under this code and the administration thereof. These regulatory fees are in addition to and not in lieu of the occupational license taxes imposed by other ordinances.

Section 26. Transfer.

(a) **Requirements.** An adult entertainment licensee is not transferable to a another person by surrendering possession, control, or operation of the licensed adult entertainment establishment. An adult entertainment license may be transferred to another person only upon satisfaction of the following requirements:

(1) A license transfer is applied for to the Code Enforcement and Licensing Division by filing an application setting forth the information called for under Section 21, and the application has been granted by the Code Enforcement and Licensing Division after investigation by the Police Department; and

(2) A sales contract is provided that shows ownership of the adult entertainment establishment has been or will be transferred through a bona fide sale to a new owner; and

(3) A transfer fee of ten percent of the annual license fee is paid.

(b) **Effect of suspension or revocation procedures.** No license may be transferred pursuant to subsection (a) when the Code Enforcement and Licensing Division has notified the licensee that suspension or revocation proceedings have been or will be brought against the licensee.

(c) **Location of license nontransferable.** A licensee shall not transfer his or her license to another location. Each location shall require a new and separate application that is in compliance with all requirements and procedures in this chapter.

(d) **Attempted improper transfer void.** Any attempted transfer of a license either directly or indirectly in violation of this section is hereby declared void.

Section 27. Changing the name of an adult entertainment establishment.

No licensee may change the name of an adult entertainment establishment unless and until he or she satisfies each of the following requirements:

(a) Gives the Code Enforcement and Licensing Division 30 days notice in writing of the proposed name change;

(b) Pays the Code Enforcement and Licensing Division a $25.00 change-of-name fee; and

(c) complies with Florida Statute Section 865.09.

Section 28. Suspension.

(a) **Violation of building, fire, health, or zoning statute, code, ordinance, or regulation.** In the event a department learns or finds upon sufficient cause that a licensed adult entertainment establishment is operating in violation of a building, fire, health, or zoning statute, code, ordinance or regulation, whether federal, state, or local, contrary to the respective general requirements of Section 40(1), (2), (3) or (4), the department shall promptly notify the licensee of the violation and shall allow the licensee a seven-day period in which to correct the violation. If the licensee fails to correct the violation before the expiration of the seven-day period, the department shall notify the Code Enforcement and Licensing Division, who shall forthwith suspend the license, and shall notify the licensee of the suspension. The suspension shall remain in effect until the department which reported the violation notifies the Code Enforcement and Licensing Division in writing that,the violation of the provision in question has been corrected.

(b) **Illegal transfer.** In the event the Code Enforcement and Licensing Division learns or finds upon sufficient cause that a licensee engaged in a license transfer contrary to Section 26, that division shall forthwith suspend the license, and notify the licensee of the suspension. The suspension shall remain in effect until the Code Enforcement and Licensing Division is satisfied that the requirements of Section 26(a) have been met.

(c) **Convictions for violations of this code.**

(1) In the event three or more violations of any specified criminal act occur at an adult entertainment establishment within a two-year period, and convictions result from at least three of the violations, the Code Enforcement and Licensing Division shall, upon receiving evidence of the third conviction, suspend the license, and notify the licensee of the suspension. The suspension shall remain in effect for a period of 30 days.

(2) In the event one or more violations of any specified criminal act occur at the same adult entertainment establishment within a period of two years from the date of the violation from which the conviction resulted for which the license was suspended for 30 days under subsection (c)(1), but not including any time during which the license was suspended for 30 days, and a conviction results from one or more of the violations, the Code Enforcement and Licensing Division shall, upon receiving evidence of the first conviction, suspend the license again, and notify the licensee of the suspension. The suspension shall remain in effect for a period of 90 days.

(3) In the event one or more violations of any specified criminal act occur at the same adult entertainment establishment within a period of two years from the date of the violation from which the conviction resulted for which the license was suspended for 90 days under subsection (c)(2), but not including any time during which the license was suspended for 90 days, and a conviction results from one or more of the violations, the Code Enforcement and Licensing Division shall, upon receiving evidence of the first conviction, suspend the license again, and notify the licensee of the suspension. The suspension shall remain in effect for a period of 180 days.

(4) The transfer or renewal of a license pursuant to this code shall not defeat the terms of subsections (c)(1) through (3).

(d) **Effective date of suspension.** All periods of suspension

shall begin ten days after the date the Code Enforcement and Licensing Division mails the notice of suspension to the licensee.

Section 29. Revocation.

(a) **False information.** In the event the Code Enforcement and Licensing Division receives evidence that a license was granted based upon false information, misrepresentation of fact, or mistake of fact, the Code Enforcement and Licensing Division shall forthwith revoke the license, and notify the licensee of the revocation.

(b) **Repeat convictions.**

(1) In the event one or more violations of any specified criminal act occur at an adult entertainment establishment which has had a license suspended for a period of 180 days pursuant to Section 28(c)(3), and the violation occurs within a period of two (2) years from the date of the violation from which the conviction resulted for which the license was suspended for 180 days, but not including any time during which the license was suspended for 180 days, the Code Enforcement and Licensing Division shall, upon receiving evidence of a conviction for the subsequent violation, forthwith revoke the license, and notify the licensee of the revocation.

(2) The transfer or renewal of a license pursuant to this code shall not defeat the terms of subsection (b)(1).

(c) **Effect of revocation.** If a license is revoked, the licensee shall not be allowed to obtain another adult entertainment license for a period of two years, and no license shall be issued again to any other person for the location upon which the adult entertainment establishment was situated.

(d) **Effective date of revocation.** The revocation shall take effect ten days after the date the Code Enforcement and Licensing Division mails the notice of revocation to the licensee.

ARTICLE III. DISTANCE RESTRICTIONS

Section 30. Prohibited locations.

(a) Notwithstanding any other provision of this code, except Section 33, or any provision of the Land Development Code, no person shall propose, cause or permit the operation of, or enlargement of, an adult entertainment establishment which, while in operation or after enlargement, would or will be located within 1,000 feet of a preexisting adult entertainment establishment,

within 1,000 feet of a preexisting commercial adult entertainment establishment that in any manner sells or dispenses alcohol for on-premises consumption, within 1,000 feet of a preexisting religious institution, within 1,000 feet of a preexisting educational institution, within 1,000 feet of an area zoned within the City or unincorporated Palm Beach County for residential use, within 1,000 feet of an area designated as residential on the City's Future Land Use Map, within 1,000 feet of the property line of a preexisting residence, or within 1,000 feet of a preexisting park. In this subsection the term "enlargement" includes, but is not limited to, increasing the floor size of the adult entertainment establishment by more than ten percent.

(b) In addition to the distance requirements set forth in subsection (a), an adult entertainment establishment shall only be allowed in areas designated "Industrial" on the City's Future Land Use Map.

(c) The distance requirements of subsection (a) are independent of and do not supersede the distance requirements for alcoholic beverage adult entertainment establishments which may be contained in other laws, rules, ordinances or regulations.

Section 31. Measurement of distance.

The distance from a proposed or existing adult entertainment establishment to a preexisting adult entertainment establishment, a preexisting religious institution, a preexisting educational institution, an area zoned for residential use, an area designated on the Future Land Use Map of the comprehensive plan as residential, a preexisting residence, a preexisting park, or a preexisting commercial adult entertainment establishment that sells or dispenses alcohol for on-premises consumption shall be measured along the route of ordinary pedestrian travel from the main public entrance of the proposed or existing adult entertainment establishment to the preexisting adult entertainment establishment, preexisting religious institution, preexisting educational institution, area zoned for residential use, area designated on the Future Land Use Map of the comprehensive plan as residential, preexisting residence, preexisting park, or preexisting commercial adult entertainment establishment that sells or dispenses alcohol for on-premises consumption.

Section 32. Nonconforming uses.

(a) An adult entertainment establishment which, on the date the ordinance was adopted, was legally located on a site which is prohibited by Section 30 of this code, shall cease operations by October 1, 1996.

(b) When a nonconforming use of an adult entertainment establishment has been discontinued for 90 consecutive days or more, the nonconforming use shall be deemed abandoned and the

future use of the premises or site shall revert to only those uses permitted on the site on which the adult entertainment establishment is located.

ARTICLE IV. GENERAL OPERATIONAL RULES

Section 40. General requirements.

Each adult entertainment establishment is subject to all of the following general requirements and shall:

(a) Conform to all applicable building, fire, health, zoning, and land use statutes, codes, ordinances, and regulations, whether federal, state or local.

(b) On the first Monday of each month, provide the Police Department with a report of all persons who employees or who were employees at the adult entertainment establishment during the previous month, which report shall contain the name, date of birth, residential address, social security number, position, and stage name, if any, of such persons.

(c) Keep the adult entertainment license posted in a conspicuous place at the adult entertainment establishment available for inspection by the public at all times.

(d) Cover opaquely each window or other opening through which a person outside the adult entertainment establishment may otherwise see inside the adult entertainment establishment.

(e) Maintain all exterior walls and surfaces of the adult entertainment establishment, excluding signs, a single achromatic or light pastel color, and shall maintain all awnings, canopies, window shutters, window treatment, or other trim the same color or a single different shade of the same achromatic or light pastel color. The trim color shall not exceed 20 percent of the entire exterior surface of the building. Nothing in this subsection shall be construed to require the painting of an otherwise unpainted exterior portion of an adult entertainment establishment such as brick or stone.

(f) Install, construct, keep, maintain, or allow only those signs at the adult entertainment establishment which comply with the City sign regulations and the provisions of this subsection.

(1) No sign shall contain any flashing lights, photographs, silhouettes, drawings or pictorial representations of any manner (except for the logo of the adult entertainment establishment, provided the logo shall not contain any specified anatomical areas, or any male or female forms at or below the clavicle),

(2) No sign shall contain in the name or logo of the adult entertainment establishment, or otherwise, the words "nude", "nudity", "naked", "topless", "go-go", or "dancer", or other words or material depicting or describing, specified anatomical areas or sexual activities.

Section 41. **Adult theaters.** In addition to the general requirements for an adult entertainment establishment contained in Section 40, an adult theater shall comply with the following special requirements:

(a) If an adult theater contains a hall or auditorium area, the area shall have:

(1) Individual separate seats, not couches, benches, or the like, to accommodate the number of persons allowed to occupy the area;

(2) A continuous main aisle alongside of the seating areas in order that each person seated in the areas shall be visible from the aisle at all times; and

(3) A sign posted in a conspicuous place at or near each entrance to the hall or auditorium area which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area.

(4) Sufficient illumination so that persons in all areas of the auditorium can be seen.

(b) If an adult theater contains adult booths, each adult booth shall have:

(1) A sign posted in a conspicuous place at or near the entrance which states the maximum number of persons allowed to occupy the booth, which number shall correlate with the number of seats in the booth;

(2) A permanently open entrance not less than 32 inches wide and not less than six feet high, which entrance shall not have any curtain rods, hinges, rails, or the like which would allow the entrance to be closed or partially closed by any curtain, door, or other parti-

tion.

(3) Individual, separate seats, not couches, benches, or the like, which correlate with the maximum number of persons who may occupy the booth;

(4) A well-illuminated continuous main aisle alongside the booth in order that each person situated in the booth shall be visible from the aisle at all times; and

(5) Except for the entrance, walls or partitions of solid construction without any holes or openings in such walls or partitions.

(6) Illumination by a light bulb of no less than 25 watts.

(c) If an adult theater is designed to permit outdoor viewing by persons seated in automobiles, it shall have the motion picture screen so situated, or the perimeter of the adult entertainment establishment so fenced, that the material to be seen by those persons may not be seen from any public right-of-way, property zoned for residential use, religious institution, educational institution, or park.

Section 42. **Adult performance establishments.** In addition to the general requirements for an adult entertainment establishment contained in Section 40, an adult performance establishment shall:

(a) Have a stage provided for the display or exposure of any specified anatomical area by an employee to a person other than another employee consisting of a permanent platform (or other similar permanent structure) raised a minimum of 36 inches above the surrounding floor and encompassing an area of at least 100 square feet; and

(b) Have no areas in which private performances may occur.

Section 43. **Adult bookstores.** In addition to the general requirements for an adult entertainment establishment contained in Section 40, an adult bookstore shall not display merchandise or adult material in a manner that allows such merchandise or adult material to be visible from outside of the structures at the adult entertainment establishment. Persons under the age of 18 years of age are not permitted in an adult bookstore.

Section 44. **Employee records.**

(a) An adult entertainment establishment shall maintain a record of all employees who are currently employed by the adult entertainment establishment, and of all former employees who were employed by the adult entertainment establishment during the

preceding one year period. The record shall contain the current or former employee's full legal name, including any aliases, date of birth, residential address, residential telephone number (if any), social security number, driver's license number or state or federally issued identification card number, and a recent photograph of the employee.

(b) The original records required by subsection (a), or true and exact photocopies thereof, shall be kept at the adult entertainment establishment at all times.

(c) All operators of the adult entertainment establishment shall be responsible for knowing the location of the original records, or the true and exact photocopies thereof.

(d) An operator of the adult entertainment establishment shall, upon request by a Code Enforcement Inspector or a law enforcement officer when the adult entertainment establishment is open for business, immediately make available for inspection the original records, or the true and exact photocopies thereof.

ARTICLE V. CRIMINAL PROVISIONS

Section 50. Penalty. Whoever violates any section of this Article V ("Criminal Provisions") may be punished as provided in Florida Statute 125.69.

Section 51. Operation without valid adult entertainment license.

It shall be unlawful for any person to be an operator of an adult entertainment establishment when:

(a) The adult entertainment establishment does not have a valid adult entertainment license for each applicable classification;

(b) The license of the adult entertainment establishment is under suspension;

(c) The license of the adult entertainment establishment has been revoked or canceled; or

(d) The adult entertainment establishment has a license which has expired.

Section 52. Working at an unlicensed adult entertainment establishment. It shall be unlawful for any person to act as an employee of an adult entertainment establishment that he or she knows or should know does not have a valid license under this code, or which has a license which is under suspension, has been revoked or canceled, or has expired, or which does not have each applicable adult entertainment license conspicuously displayed.

Section 53. **Operation contrary to certain provisions.** It shall be unlawful for any person to be an operator of an adult entertainment establishment:

(a) Which does not satisfy all of the general requirements of Section 40(c), (d), (e), or (f);

(b) Which is an adult theater and does not satisfy all of the special requirements of Section 41;

(c) Which is an adult performance establishment and does not satisfy all of the special requirements of Section 43;

(d) While the entrance or exit of the adult entertainment establishment is locked when a person other than an employee is inside the adult entertainment establishment;

Section 54. **Prohibited acts.** It shall be unlawful for an employee of an adult entertainment establishment to commit any of the following acts or for an operator of an adult entertainment establishment to knowingly or with reason to know, permit, suffer, or allow any employee to commit any of the following acts:

(a) Engage in a straddle dance with a person at the adult entertainment establishment;

(b) Offer, contract or otherwise agree to engage in a straddle dance with a person at the adult entertainment establishment;

(c) Engage in any specified sexual activity at the adult entertainment establishment;

(d) Engage in public nudity as defined in Section 6 of this code;

(e) Display or expose at the adult entertainment establishment specified anatomical areas while such employee is not continuously positioned at least three feet away from all other persons or while such employee is not in an area as described in Section 42(a);

(f) Display or expose specified anatomical areas at an adult entertainment establishment where alcoholic beverages are sold, offered for sale or consumed;

(g) Display or expose any specified anatomical area while simulating any specified sexual activity with any other person at the adult entertainment establishment;

(h) Engage in a private performance;

(i) Intentionally touch any person at the adult entertainment establishment, while engaged in the display or exposure of any specified anatomical area;

(j) Intentionally touch the clothed or unclothed body of any person at the adult entertainment establishment, at any point below the waist and above the knee of the person, or to intentionally touch the clothed or unclothed breast of any female person; or

(k) expose any specified anatomical area during the employee's bona fide use of a restroom, or bona fide use of a dressing room which is used and occupied only by other employees of the same sex.

Section 55. Touching employees prohibited.

(a) It shall be unlawful for any person in an adult entertainment establishment to intentionally touch an employee who is displaying or exposing any specified anatomical area at the adult entertainment establishment.

(b) It shall be unlawful for any person in an adult entertainment establishment to intentionally touch the clothed or unclothed breast of any employee, or to touch the clothed body of any employee at any point below the waist and above the knee of the employee.

Section 56. Advertising prohibited activity. It shall be unlawful for an operator of an adult entertainment establishment to advertise, encourage or promote any activity prohibited by this code.

Section 57. Minors prohibited. It shall be unlawful for an operator or employee of an adult entertainment establishment to knowingly, or with reason to know, permit, suffer, or allow a person under 18 years of age to:

(a) enter or remain in the adult entertainment establishment;

(b) purchase goods or services at the adult entertainment establishment; or

(c) work at the adult entertainment establishment as an employee.

Section 58. Failure to maintain employee records. It shall be unlawful to be an operator of an adult entertainment establishment at which all records for employees required by, Section 44 have not been compiled, are not maintained, or are not made available for inspection by a law enforcement officer upon request when the adult entertainment establishment is open for business.

Section 59. **Exceeding occupancy limit of adult booth.** It shall be unlawful for any person to occupy an adult booth in which booth there are more people than that specified on the posted sign required by Section 41.

Section 60. **Hours of operation.** It shall be unlawful between the hours of 5:00 a.m. and 9:00 a.m. of any day for:

(a) An operator of an adult entertainment establishment to allow such adult entertainment establishment to remain open for business, or to allow, suffer or permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service.

(b) An employee of an adult entertainment establishment to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service.

Section 61. **Alteration of license.** It shall be unlawful for any person to alter or otherwise change the contents or appearance of an adult entertainment license without the written permission of the Code Enforcement and Licensing Division.

Section 62. **False statement in application for license.** It shall be unlawful for any person applying for an adult entertainment license pursuant to Article II to make a false statement or provide false information which is intended to facilitate the issuance of a license on the application required by Section 21, to provide false information in the reports required by Section 40, or to falsify the records required by Section 44.

Section 63. **Solicitation or personal advertising.** It shall be unlawful for any employee of an adult entertainment establishment while situated outside any structure on the site of the adult entertainment establishment, or while the employee is situated at a place at the adult entertainment establishment where the employee is visible from any public right-of-way or sidewalk to display or expose specified anatomical areas or engage in personal advertising, pandering, or solicitation, whether passive or otherwise, on behalf of the employee, any other employee, or the adult entertainment establishment. Personal advertising includes, but is not limited to, sitting or standing outside any structure on the site of the adult entertainment establishment, gesturing, waving, repeatedly speaking in a raised tone of voice or otherwise encouraging or enticing potential customers beyond the adult entertainment establishment to enter the adult entertainment establishment.

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ORDINANCE NO. 2649

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, SECTION 2-120.5, OF CHAPTER 2, DIVISION 4 OF THE CODE OF ORDINANCES BE AMENDED BY ADDING ROLLOVER DISTRIBUTION PROVISIONS IN THE GENERAL EMPLOYEES PENSION PLAN; PROVIDING FOR THE REPEAL OF ANY PART OF THE RIVIERA BEACH CODE, ANY ORDINANCE OR RESOLUTION OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

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

SECTION 1: That Section 2-120.5 of Chapter 2, Division 4 of the Code of Ordinances be amended by adding Rollover Distributions as follows:

(6) Rollover Distributions

1. General

This Section applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the System to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

2. Definitions

A. Eligible Rollover Distribution: An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated Beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Code; and the portion of any distribution that is not includible in gross income.

B. Eligible Retirement Plan: An eligible retirement plan is an individual retirement account described in section 408(a) of the Code, an individual retirement annuity described in section 408(b) of the Code, an annuity plan described in section 403(a) of the Code, or a qualified trust described in section 401(a) of the Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving Spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

C. Distributee: A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving Spouse is a distributee with regard to the interest of the Spouse.

D. Direct Rollover: A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee.

SECTION 2: This Ordinance shall take effect as provided by law.

PASSED AND APPROVED on first reading this 7th day of December, 1994.

PASSED AND ADOPTED on second and final reading this 21st day of December, 1994.

APPROVED:

MAYOR

CHAIRPERSON

ATTEST:

CITY CLERK

CHAIRPERSON PRO TEM

COUNCIL MEMBERS

	1st Reading	2nd Reading
Motioned by:	M. CONFREY	B. GUYTON
Seconded by:	B. GUYTON	M. MOFFITT
B. Orange	AYE	AYE
M. Confrey	AYE	ABS
B. Guyton	AYE	AYE
B. Rodriquez	AYE	AYE
M. Moffitt	AYE	AYE

REVIEWED FOR LEGAL SUFFICIENCY
CITY
CITY OF
DATE:

ORDINANCE NO. 2650

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING ARTICLE IV OF CHAPTER 14 OF THE CODE OF ORDINANCE, PROVIDING FOR A CHANGE IN THE ASSET ALLOCATION; PROVIDING FOR THE ADOPTION OF SECTION 415 OF THE INTERNAL REVENUE CODE; PROVIDING FOR CERTAIN REQUIRED DISTRIBUTIONS; PROVIDING FOR ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE REPEAL OF ANY PART OF THE RIVIERA BEACH CODE, ANY ORDINANCE OR RESOLUTION OR PARTS THEREOF IN CONFLICT HEREWITH; AND, PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the Riviera Beach Police Pension Fund ("Fund"), at the advice of their financial consultants, desires to increase the percentage that the Fund's assets may be invested in equities; and

WHEREAS, the Board of Trustees of the Fund has determined that it is in the best interest of the Participants and Beneficiaries of the Fund to increase the permissible allocation of assets to equities; and

WHEREAS, the Fund has applied for a determination letter from the Internal Revenue Service ("IRS") to ensure that the Fund is a tax qualified fund; and

WHEREAS, the IRS has requested that the Fund make several amendments to the pension plan in order to be tax qualified; and

WHEREAS, a failure to comply with the request of the IRS could result in a tax disqualification of the Fund; and

WHEREAS, tax disqualification of the Fund could result in a tax to the Fund for all income earned on employee and employer contributions and may also result in adverse tax consequences for the Participant; and

WHEREAS, the Board of Trustees of the Fund has determined that it is within the best interest of the Participants and Beneficiaries of the Fund to comply with the request of the IRS in order to prevent disqualification of the Fund;

WHEREAS, the City Council of the City of Riviera Beach, Florida, desires to revise its Police Officers' Pension Ordinance in order to implement these revisions and improvements to the Plan;

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

Section 1. Article IV, Chapter 14 of the Riviera Beach Code is hereby amended by deleting Section 14-75 (g)(1)(a) in its entirety and inserting in lieu thereof the following:

Section 14-75. Powers of the Board of Trustees.

* * *

(g) The Board of Trustees may:

(1) Invest and reinvest the assets of the retirement trust fund in:

a. Time or savings accounts of a national bank, a state bank or a savings and loan association insured by the Federal Deposit Insurance Corporation.

b. Obligations of the United States or obligations guaranteed as to principal and interest by the United States.

c. Bonds issued by the State of Israel.

d. Bonds, stocks, or other evidences of indebtedness issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia, provided:

(i) The Corporation is listed on any one or more of the recognized national stock exchanges and holds a rating in one of the three highest classifications by a major rating service; and

(ii) The Board of Trustees shall not invest more than five percent of its assets in the common stock or capital stock of any one issuing company, nor shall the aggregate investment in any one issuing company exceed five percent of the outstanding stock of the company or the aggregate of its investments under this subparagraph at cost exceed ~~thirty~~ fifty percent of the funds assets.

Section 2. Article IV, Chapter 14 of the Riviera Beach Code is hereby amended by adding a new Section 14-90 as follows:

A participant may not receive a pension or disability benefit which exceeds the lesser of:

(1) One hundred percent (100%) of the participant's average compensation for the highest three consecutive years as a participant in the pension plan; or

(2) The maximum amount allowed under Section 415(b) of the Internal Revenue Code which is incorporated herein by reference. This amount shall not be reduced below $50,000.00 (or as increased by the cost of living adjustment factor prescribed under Section 415(d) of the Internal Revenue Code.)

Section 3. Article IV, Chapter 14 of the Riviera Beach Code is hereby amended by adding a new Section 14-91 as follows:

Sec. 14-91. Required Distributions - -

(1) In accordance with IRC Section 401(a)(9), all benefits under this plan will be distributed, beginning not later than the required beginning date set forth below, over a period not extending beyond the life expectancy of the police officers or the life expectancy of the police officer and a beneficiary designated in accordance with Section 14-77.

(2) Any and all benefit payments shall begin by the later of:

(a) April 1 of the calendar year following the calendar year of the member's retirement date; or

(b) April 1 of the calendar year following the calendar year in which the member attains age 70 1/2.

(3) If an employee dies before his entire vested interest has been distributed to him, the remaining portion of such interest will be distributed at least as rapidly as provided for under Section 14-76.

Section 4. Article IV, Chapter 14 of the Riviera Beach Code is hereby amended by adding a new Section 14-92 as follows:

Section 14-92 Rollover Distributions

(1) This Section applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect, at the time and in the manner prescribed by the Board of Trustees, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(2) Definitions

(a) "Eligible rollover distribution": An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Code; and the portion of any distribution that is not includible in gross income.

(b) "Eligible retirement plan": An eligible retirement plan is an individual retirement account described in section 408(a) of the Code, an individual retirement annuity described in section 408(b) of the Code, an annuity plan described in section 403(a) of the Code, or a qualified trust described in section 401(a) of the Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible roll over distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

(c) "Distributee": A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a domestic relations order determined to be qualified by this Fund in accordance with Alvarez v. Board of Trustees, 580 So. 2d 151 (Fla. 1991), are distributees with regard to the interest of the spouse or former spouse.

(d) "Direct rollover": A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee.

SECTION 5. Any part of the Riviera Beach Code in conflict herewith shall be repealed.

SECTION 6. This Ordinance shall be effective upon date of passage.

PASSED AND APPROVED on first reading this 7th day of December, 1994.

PASSED AND ADOPTED on second and final reading this 21st day of December, 1994.

APPROVED:

MAYOR

CHAIRPERSON

ATTEST:

CITY CLERK

CHAIRPERSON PRO TEM

COUNCILPERSONS

1st Reading		2nd & Final Reading	
MOTIONED BY:	M. CONFREY	MOTIONED BY:	B. RODRIGUEZ
SECONDED BY:	M. MOFFITT	SECONDED BY:	M. MOFFITT
B. Orange:	AYE	B. Orange:	AYE
M. Confrey:	AYE	M. Confrey:	ABS
B. Guyton:	AYE	B. Guyton:	AYE
B. Rodriquez:	AYE	B. Rodriquez:	AYE
M. Moffitt:	AYE	M. Moffitt:	AYE

REVIEWED FOR LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE:

ORDINANCE NO. 2651

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING ARTICLE IV OF CHAPTER 14 OF THE CODE OF ORDINANCE, PROVIDING FOR REPEAL OF TERMINATION OF FUND; PROVIDING FOR THE REPEAL OF ANY PART OF THE RIVIERA BEACH CODE, ANY ORDINANCE OR RESOLUTION OR PARTS THEREOF IN CONFLICT HEREWITH; AND, PROVIDING FOR AN EFFECTIVE DATE HEREOF.

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

Section 1. Article IV, Chapter 14 of the Riviera Beach code is hereby amended by adding a new Section 14-93.

Section 14-93. Repeal or Termination of Fund

In the event of the termination or partial termination of this plan, each affected participant's accrued pension benefit shall become nonforfeitable, i.e., 100% vested, to the extent funded. At such time, the fund shall be appropriated and distributed in accordance with Chapter 185.37, Florida Statutes.

Section 2. Any part of the Riviera Beach Code in conflict herewith shall be repealed.

Section 3. This Ordinance shall be effective upon date of passage.

PASSED AND APPROVED on first reading this 4th day of January, 1994~~5~~.

PASSED AND ADOPTED on second and final reading this 18th day of January, 1995.

APPROVED:

MAYOR

CHAIRPERSON

ATTEST:

CITY CLERK

CHAIRPERSON PRO TEM

COUNCILPERSONS

1ST Reading

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

B. Orange: AYE
M. Confrey: AYE
B. Guyton: AYE
B. Rodriquez: AYE
M. Moffitt: AYE

2nd & Final Reading

MOTIONED BY: B. RODRIGUEZ
SECONDED BY: B. GUYTON

B. Orange: AYE
M. Confrey: AYE
B. Guyton: AYE
B. Rodriquez: AYE
M. Moffitt: AYE

REVIEWED FOR LEGAL SUFFICIENCY

CITY ATTORNEY

DATE 12/28/94

ORDINANCE NO. 2652

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, PROVIDING THAT THE APPOINTMENT OF THE ASSISTANT CITY ATTORNEY/CITY PROSECUTOR SHALL BE MADE BY THE CITY ATTORNEY AND THAT THE ASSISTANT CITY ATTORNEY/CITY PROSECUTOR SHALL SERVE AT THE PLEASURE OF THE CITY ATTORNEY.

WHEREAS, the position of assistant city attorney/city prosecutor is no longer an appointed position of the city council in accordance with the referendum election held on November 8, 1994; and

WHEREAS, the city council deems it appropriate that the appointment of the assistant city attorney/city prosecutor shall be made by the city attorney; and

WHEREAS, the city council deems it appropriate that the assistant city attorney/city prosecutor serve at the pleasure of the city attorney;

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

SECTION 1. That the position of the assistant city attorney/city prosecutor shall be filled by appointment by the city attorney and that the assistant city attorney/city prosecutor shall serve at the pleasure of the city attorney.

SECTION 2. If any section, clause, sentence or phrase of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. This ordinance shall be effective immediately upon the time of its passage.

PASSED and APPROVED on first reading this 18th day of January, 19945.

PASSED and ADOPTED on second and final reading this ___ day of _____, 199~~4~~5

APPROVED:

VETO Celev 2/1/95

MAYOR

Bertha Orange

CHAIR

Margaret Conkey

CHAIR PRO TEM

Bruce A. Guyler

Marilyn S. Moffitt

COUNCIL MEMBERS

ATTEST:

Gwendolyn E. Davis

CITY CLERK

VETOED

VETOED

ORDINANCE NO. 2652

MOTIONED BY: M. CONFREY

SECONDED BY: M. MOFFITT

	1st Reading	2nd & Final Reading
B. ORANGE	AYE	
M. CONFREY	AYE	
B. RODRIGUEZ	NAY	
B. GUYTON	NAY	
M. MOFFITT	AYE	

Approved as to form and legal sufficiency

City Attorney

VETOED

VETOED

[AD.dpm.122294]

TABLED

ORDINANCE NO. 2653

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING ARTICLE II OF CHAPTER FOURTEEN OF THE CODE OF ORDINANCE, PROVIDING FOR A CHANGE IN THE DEFINITION OF AVERAGE FINAL COMPENSATION, SALARY, AND COMPENSATION: PROVIDING FOR THE RETIREMENT MONTHLY INCOME: PROVIDING FOR A NEW DEFINED CONTRIBUTION PLAN; PROVIDING FOR THE REPEAL OF ANY PART OF THE RIVIERA BEACH CODE, ANY ORDINANCE OR RESOLUTION OR PARTS THEREOF IN CONFLICT HEREWITH; AND, PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the Palm Beach County Police Benevolent Association ("PBA") and the City of Riviera Beach ("City"), collectively bargained certain benefit changes to the Riviera Beach Police Pension Fund; and

WHEREAS, the Board of Trustees of the Fund is charged with the responsibility to administer the benefits as provided in the Plan; and

WHEREAS, the City Council of the City of Riviera Beach, Florida, desires to revise its Police Officers' Pension Ordinance in order to implement these changes to the Plan;

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

Section 1. Section 14-72 is hereby amended as follows:

Section 14-72 Definitions

(1) "Average final compensation" means for police officers taking normal retirement, as defined herein, that is, with twenty years of service or more, the ~~average~~ annual compensation of a police officer during the highest ~~two (2)~~ years of his or her last ten (10) years of contributing service prior to retirement. For all other benefits under this plan, average final compensation means the average annual compensation of a police officer during the highest two years of his or her last ten (10) years of contributing service prior to termination, disability or early retirement, or death whichever occurs first.

"Salary" and "compensation" mean the total cash remuneration paid to a police officer for services rendered; and shall include those items as have been included as compensation in accordance with past practice. For police Officers retiring with twenty (20) or more years of service, salary specifically includes 100% of sick days accumulated up to 132 days of sick pay, together with accumulated vacation pay in accordance with past practice. All other police officers retiring under this plan shall continue to have those items included in compensation as have been included in accordance with past practice.

Section 2. Section 14-76 is amended as follows:

Section 14-76. Retirement monthly income

Any police officer who completes ten (10) or more years of creditable service as a police officer and attains age fifty-five (55) years, or completes twenty (20) years of creditable service as a police officer ~~and attains age fifty (50)~~ regardless of age and for such period has been a member of the pension fund, is eligible for normal retirement benefits. Normal retirement is retirement from the service of the city on or after the normal retirement date. In such event, payment of retirement income shall be governed by the following provisions:

(1) The normal retirement date of each police officer will be the first day of the month coincident with or next following the date on which he or she has completed ten (10) or more years of creditable service and attained the age of fifty-five (55) or completed twenty years of creditable service and ~~attained age fifty (50)~~ regardless of age.

(2) The amount of the monthly retirement income payable to a police officer who retires on or after his or her normal retirement date shall be an amount equal to the number of his or her years of credited service multiplied by three percent (3%) of his or her average final compensation, except that for police officers retiring with twenty years of service or more, their monthly benefit shall be calculated as seventy percent (70%) of average final compensation. Except as provided below, in no event shall any officer's benefits exceed 70% of average final compensation.

(5) Any officer who is an active participant in the plan as of the date of the adoption of this ordinance and who at present is entitled to a percentage of average final compensation that is greater than 70% shall not have his percentage of average final compensation reduced by this ordinance, but shall not accrue any greater percentage of average final compensation than that to which he or she is entitled on the date of the adoption of this ordinance on final reading.

Section 3. Effective upon the adoption of a a new defined contribution plan, but no earlier than September 1, 1995, no new members will be accepted into this pension plan. All new police employees will become members of the defined contribution plan.

Section 4. Any part of the Riviera Beach Code in conflict herewith shall be repealed.

Section 5. This Ordinance shall be effective upon date of passage retroactive to January 19, 1995.

PASSED AND APPROVED on first reading this 15th day of February, 1995.

PASSED AND ADOPTED on second and final reading this _____ day of _____, 1995.

APPROVED:

_____
MAYOR

_____
CHAIRPERSON

ATTEST:

_____
CHAIRPERSON PRO TEM

_____
CITY CLERK

_____

_____

_____
COUNCIL MEMBERS

1st Reading

MOTIONED BY: B. GUYTON
SECONDED BY: M. MOFFITT

B. Orange: AYE
M. Confrey: AYE
B. Guyton: AYE
B. Rodriguez: ABS
M. Moffitt: AYE

2nd and Final Reading

MOTIONED BY: _____
SECONDED BY: _____

B. Orange: _____
M. Confrey: _____
B. Guyton: _____
B. Rodriguez: _____
M. Moffitt: _____

REVIEWED FOR LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: _____

ORDINANCE NO. 2654

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 ORDINANCE OF RIVIERA BEACH, FLORIDA RELATING TO RATES OF PAY AND SALARY SCHEDULE BY CREATING THE CLASSIFIED POSITION UNDER CLASS TITLE MARINA AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 2-100 of the Chapter 2, Article VI, Division 3, of the Code of Ordinance of Riviera Beach relating to rates of pay and salary schedule be amended by creating the classified position of:

CLASS TITLE	CLASSIFICATION	PAY GRADE	SALARY
Marina	Marina Forklift Operator	G-26	$19,575 - 30,589

SECTION 2. This Ordinance shall take effect as provided by law.

PASSED AND APPROVED on first reading this 15th day of February, 1995.

PASSED AND ADOPTED on second and final reading this 1st day of March, 1995.

APPROVED:

MAYOR

CHAIRPERSON

ATTEST:

CITY CLERK

CHAIRPERSON PRO TEM

COUNCIL MEMBERS

	1st Reading	2nd Reading
Motioned by:	B. GUYTON	B. GUYTON
Seconded by:	M. CONFREY	B. RODRIGUEZ
B. Orange	AYE	ABS
M. Confrey	AYE	AYE
B. Rodriquez	ABS	AYE
B. Guyton	AYE	AYE
M. Moffitt	AYE	AYE

CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 2.8.95

MARINA FORKLIFT OPERATOR
CITY OF RIVIERA BEACH

MAJOR FUNCTION

This position reports to the Director of Marina and is a high skilled and technical equipment operator for a Marina operation. All rules, policies, statutes governing the operation of marina equipment must be adhered. Employee must be familiar with the types of boats normally used by the public. The employee must be required to perform labor and/or any other related tasks.

ILLUSTRATIVE DUTIES

Operate and maneuver marina forklift in small area removing boats from multi-level dry storage area and immerse in water.

Extract boats from the water and replace in multi-level dry storage area.

Maintain marina forklift.

Operate any and all lift or heavy duty marine equipment used in marina operation.

Operate and balance daily cash drawer at point of sale for fuel, oil, dockage fees and other miscellaneous items.

Perform all related work as required.

MINIMUM QUALIFICATIONS

Knowledge of the handling of marine equipment to include, boat, yacht and marine refueling techniques.
Knowledge of wet and dry dock operations.
Knowledge of general cash receivables and credit card sales.
Ability to understand and carry out oral and written instructions.
Physically able to operate marine equipment under occasionally adverse weather conditions.

TRAINING AND EXPERIENCE

High school graduate or GED and one (1) year of experience as a marina forklift operator or any equivalent combination of training and experience.

ORDINANCE NO. 2655

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 SALARY OF SWORN POLICE OFFICERS, SERGEANTS AND LIEUTENANTS REPRESENTED BY THE POLICE BENEVOLENT ASSOCIATION 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, of 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 sworn police officers, sergeants and lieutenants represented by the Police Benevolent Association Collective Bargaining Agreement as follows;

(A) For the 93-94 and 1994-1995 fiscal year effective October 1, 1994 each employee's wages will increase three (3%) percent. There will be no further wage adjustments during the 1994/95 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 15th day of February 1995.

PASSED AND APPROVED on second and final reading this 1st day of March 1995.

APPROVED:

Nina K. Williams
MAYOR

CHAIRPERSON

ATTEST:

CITY CLERK

Margaret Confrey
CHAIRPERSON PRO TEM

Bruce A. Guyton

COUNCIL MEMBERS

1st Reading

Motioned by: B. GUYTON
Seconded by: M. MOFFITT
B. Orange AYE
M. Confrey AYE
B. Guyton AYE
B. Rodriquez ABS
M. Moffitt AYE

2nd Reading

Motioned by: B. GUYTON
Seconded by: M. MOFFITT
B. Orange ABS
M. Confrey AYE
B. Guyton AYE
B. Rodriquez AYE
M. Moffitt AYE

REVIEWED FOR LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 3.9.95

STAFF REPORT
CITY OF RIVIERA BEACH STAFF REPORT February 7, 1995

ZONING TEXT AMENDMENT TO ALLOW ADULT ENTERTAINMENT ESTABLISHMENTS AS A SPECIAL EXCEPTION USE IN INDUSTRIAL ZONING DISTRICTS

A. Applicant: The applicant is the City of Riviera Beach.

B. Request: The City is requesting to amend the zoning regulations to make adult entertainment establishments a "special exception use" in the following industrial zoning districts:

IL: Limited Industrial

IG: General Industrial

TLI: Transitional Light Industrial

SLIO: Special Light Industrial Office

Currently adult entertainment establishments are not permitted in any zoning district. However, allowing such uses in some zoning districts makes it more legally defensible to prohibit them in other zoning districts.

The City is also requesting to create supplemental zoning regulations for adult entertainment establishments. These regulations pertain to the minimum distance requirements between adult entertainment establishments and other uses, such as schools, parks, churches and residential areas.

These proposed zoning text amendments are indicated in the attached draft ordinance.

C. Previous action: None.

D. Pending or subsequent action: The Planning and Zoning Board is scheduled to conduct a public hearing and consider this request on February 9, 1995, and make a recommendation to the City Council. The City Council is scheduled to conduct public hearings on March 1 and March 15, 1995, consider the recommendation of the Planning and Zoning Board and staff, and take final action on March 15, 1995.

E. Findings

1. On December 21, 1994, the City Council adopted Ordinance No. 2648, which created an Adult Entertainment Code. (Copies of that 30-page ordinance may be requested from the Department of Community Development and Environmental Control.) This new code defines adult entertainment and

establishes strict guidelines for such uses. Article III of the code directs adult entertainment to areas designated Industrial on the City's Future Land Use Map. Article III of the code also establishes a minimum distance of 1,000 feet between adult entertainment establishments and other such establishments, schools, churches, parks and residential areas. The proposed amendments in the attached draft ordinance are intended to implement the zoning regulations referred to in that new code.

2. In the opinion of staff, allowing adult entertainment establishments as a special exception use in industrial zoning districts would have the least detrimental impact on the City as a whole, as compared to other zoning districts.

3. The criteria for Special Exception approval in Section 31-61 of the City's zoning regulations would need to be met, in addition to the minimum distance requirements referred to above, in order to obtain special exception approval for an adult entertainment establishment in an industrial zoning district.

F. Staff Recommendation:

The staff recommends approval of these proposed zoning text amendments.

Attachment

ORDINANCE NO. 2656

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31, "ZONING," OF THE CODE OF ORDINANCES BY REQUIRING SPECIAL EXCEPTION APPROVAL FOR ADULT ENTERTAINMENT ESTABLISHMENTS IN IG - GENERAL INDUSTRIAL ZONING DISTRICTS; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.041 of the Florida Statutes provides procedures to amend the Zoning Ordinance; and

WHEREAS, the City does not currently specify adult entertainment establishments as an allowed use in any of the City's zoning districts; and

WHEREAS, the City deems that adult entertainment establishments may only be appropriate in certain locations, the City desires more control over the future location of such facilities by making them Special Exception uses in IG - General Industrial zoning districts; and

WHEREAS, legal notice and review procedures were followed in accordance with Section 166.041 (3) © (2), Florida Statutes, which provides procedures for amendments affecting more than 5% of the City's total land area; and

WHEREAS, the Planning and Zoning Board conducted a public hearing and reviewed the amendments to the City's zoning regulations contained in this ordinance, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council reviewed the request and recommendations of City Staff and the Planning and Zoning Board at a Public Hearing held in accordance with Section 166.041, Florida Statutes.

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

SECTION 1. The sections listed below, regarding "USE REGULATIONS," in Chapter 31 of the Code of Ordinances are hereby amended by adding "Adult Entertainment Establishments (See Ordinance No. 2648)" under "B. SPECIAL EXCEPTION."

Section 31-382 (IG - GENERAL INDUSTRIAL DISTRICT)

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, Florida, and the sections of this ordinance may be renumbered to accomplish such intentions.

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

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

SECTION 5. This Ordinance shall be effective immediately upon adoption of Ordinance No. 2662 to amend the City's Comprehensive Plan.

PASSED AND APPROVED on first reading this 1st day of March, 1995.

PASSED AND ADOPTED on second reading this 16 day of August, 1995.

APPROVED:

Clara K. Williams
MAYOR

[illegible]
CHAIRPERSON

[MUNICIPAL SEAL]

Marilyn P. Moffitt
CHAIRPERSON PRO-TEM

Hyacinthia "Cinthia" Becton

ATTEST:

Carrie E. Ward
CITY CLERK

Margaret Confrey

Elizabeth Wade
COUNCIL MEMBERS

	1st Reading	2nd & Final Reading
MOTIONED BY:	B. GUYTON	M. MOFFITT
SECONDED BY:	M. MOFFITT	E. WADE
M. CONFREY	AYE	AYE
M. MOFFITT	AYE	AYE
B. ORANGE	ABS	AYE
B. RODRIGUEZ	AYE	AYE
B. GUYTON	AYE	AYE

REVIEWED FOR LEGAL SUFFICIENCY
CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 7-26-95

ORDINANCE NO. 2657

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31, "ZONING," OF THE CODE OF ORDINANCES BY MAKING "CHURCHES AND PLACES OF WORSHIP" SPECIAL EXCEPTION USES IN CERTAIN ZONING DISTRICTS; AMENDING THE SUPPLEMENTAL REGULATIONS FOR CHURCHES AND THEIR EDUCATIONAL BUILDINGS; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.041 of the Florida Statutes provides procedures to amend the Zoning Ordinance; and

WHEREAS, because churches and their educational buildings may not be appropriate in all locations in certain zoning districts, the City desires more control over the future location of such facilities by making them Special Exception uses in certain zoning districts; and

WHEREAS, legal notice and review procedures were followed in accordance with Section 166.041(3)(c)(2), Florida Statutes, which provides procedures for amendments affecting more than five percent of the City's total land area; and

WHEREAS, the Planning and Zoning Board conducted a public hearing and reviewed the amendments to the City's zoning regulations contained in this ordinance, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council reviewed the request and recommendations of City Staff and the Planning and Zoning Board at a Public Hearing held in accordance with Section 166.041, Florida Statutes.

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

SECTION 1. The sections listed below, regarding "USE REGULATIONS" for certain zoning districts, in Chapter 31 of the Code of Ordinances are hereby amended by deleting "Churches and their educational buildings" under "(a) USES PERMITTED," and by adding "Churches and their educational buildings (See Supplemental District Regulations)" under "(b) SPECIAL EXCEPTION" in each section.

Section 31-137. (RS-6: SINGLE-FAMILY DWELLING DISTRICT)

Section 31-157. (RS-8: SINGLE-FAMILY DWELLING DISTRICT)

Section 31-177. (RD-15: TWO-FAMILY DWELLING DISTRICT)

Section 31-322. (CG: GENERAL COMMERCIAL DISTRICT)

SECTION 2. The City's RML-12: LOW DENSITY MULTIFAMILY DWELLING DISTRICT, in Chapter 31 of the Code of Ordinances is hereby amended by deleting "Churches" under "(b) SPECIAL EXCEPTION," and by adding "Churches and their educational buildings (See Supplemental District Regulations)" under "(b) SPECIAL EXCEPTION," in Section 31-187, "USE REGULATIONS."

SECTION 3. The sections listed below, regarding "USE REGULATIONS" for certain zoning districts, in Chapter 31 of the Code of Ordinances are hereby amended by adding "Churches and their educational buildings (See Supplemental District Regulations)" under "B. SPECIAL EXCEPTION."

Section 31-197. (RM-15: MULTIFAMILY DWELLING DISTRICT)

Section 31-282. (OP: OFFICE AND PROFESSIONAL DISTRICT)

Section 31-302. (CN: NEIGHBORHOOD COMMERCIAL DISTRICT)

SECTION 4. Section 31-543, regarding supplement zoning regulations for churches, in Chapter 31, Zoning, of the Code of Ordinances is hereby amended as indicated below, by using strikeout to indicate text to be deleted and underlining to indicate text to be added.

Sec. 31-543. Churches.

A church building is defined as an enclosed structure for public or semipublic religious worship and, when permitted, must meet the following requirements:

(1) The minimum size plot of land shall not be less than ~~10,000~~ 20,000 square feet in area and 100 feet in width.

(2) Side yards shall be not less than 20 feet in residential districts and front and rear yards shall be not less than specified for the zoning district. No parking areas or driveways shall be permitted within five feet of a property line abutting residential zoned property.

(3) Accessory buildings and uses may include offices of the church, church school or kindergarten, library, meeting rooms, residential structures for resident employees of the church, and others which are incidental to the operation of the church. Accessory buildings and uses shall be located on the same plot of land consisting of parcels contiguous to or across an alley, unless otherwise permitted in the zoning district.

(4) Parking lots to serve the church may be permitted on noncontiguous plots of land located within 400 feet of the church plot.

(5) a. There shall be a minimum of 500 feet between a proposed church and existing churches.

b. There shall be a minimum of 500 feet between a proposed church and exiting bars or packages stores.

These distances shall be measured along the route of ordinary pedestrian travel from the main front entrance of the proposed church to the main front entrance of an existing church, bar or package store.

(6) Each application for a new church shall include written justification of the need for the proposed church at the requested location. This justification shall include at least the following information:

a. the number of members in the church;

b. a geographic breakdown of the church membership by zip code;

c. the types of services to be offered by the church; and

d. any other reasonable requirements made by the Planning and Zoning Board or City Council.

(7) A proposed church that abuts residentially-zoned property shall construct a six-foot-high, finished masonry wall along the property line that abuts the residential property. This wall shall not be required in front-yard setback areas.

(8) The City Council reserves the right to limit the hours of operation for any new church that is located in a residential zoning district.

SECTION 7. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, Florida, and the sections of this ordinance may be renumbered to accomplish such intentions.

SECTION 8. 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 9. That all sections or parts of sections of the Code of Ordinance, all ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith, be and the same are hereby repealed to extent of such conflict.

SECTION 10. This Ordinance shall be effective immediately upon adoption by the City Council.

PASSED AND APPROVED on first reading this 1 day of March, 1995.

PASSED AND ADOPTED on second reading this 15 day of March, 1995.

APPROVED:

Clara K. Williams
MAYOR

[MUNICIPAL SEAL]

CHAIRPERSON

Margaret Confrey
CHAIRPERSON PRO-TEM

Marilyn B. Moffitt

Carlene J. Weston

COUNCILMEMBERS

ATTEST:

Lynn Tyrell Davis
CITY CLERK

	1st Reading	2nd & Final Reading
MOTIONED BY:	B. GUYTON	M. MOFFITT
SECONDED BY:	B. RODRIGUEZ	E. WESTON
M. CONFREY	AYE	AYE
M. MOFFITT ~~C. BECTON~~	AYE	AYE
B. ORANGE	ABS	----------
B. RODRIGUEZ	AYE	----------
B. GUYTON	AYE	----------
		AYE / E. WESTON

REVIEWED FOR LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE:

ORDINANCE NO. 2658

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 BE AMENDED BY DELETING THE CLASSIFIED POSITIONS OF THE FIRE CAPTAIN, EMERGENCY MEDICAL SUPERVISOR AND FIRE LIEUTENANT UNDER CLASS TITLE OF PUBLIC SAFETY AND SERVICE (FIRE) AND BY CREATING THE CLASSIFIED POSITIONS OF DIVISION CHIEF AND FIRE CAPTAIN UNDER CLASS TITLE OF PUBLIC SAFETY AND SERVICE (FIRE) AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That 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 deleting the classified positions as follows:

CLASS TITLE	CLASSIFICATION	PAY GRADE	SALARY
Public Safety and Service (Fire)	Fire Captain	F33	29,226.33/46,035.20
Public Safety and Service (Fire)	EMS Supervisor	F33	29,226.33/46,035.20
Public Safety and Service (Fire)	Fire Lieutenant	F30	25,387.97/39,934.29

SECTION 2. That Section 2-100 of Chapter 2, Article VI, Division 3 or the Code of Ordinances of Riviera Beach, relating to rates of pay and salary schedule be amended by creating the classified positions as follows:

CLASS TITLE	CLASSIFICATION	PAY GRADE	SALARY
Public Safety and Service (Fire)	Divison Chief	F33	29,226.33/46,035.20
Public Safety and Service (Fire)	Division Chief	F33	29,226.33/46,035.20
Public Safety and Service (Fire)	EMS Supervisor Fire Captain	F30	25,387.97/39,934.29

SECTION 3. This Ordinance shall take effect as provided by law.

PASSED and ADOPTED on first reading this 1st day of March, 1995.

PASSED and ADOPTED on second and final reading this 15th day of March, 1995.

APPROVED:

Dara K. Williams
MAYOR

ATTEST:

Gwendolyn E. Davis
CITY CLERK

CHAIRPERSON

Margaret Confrey
CHAIRPERSON PRO TEM

Marilyn S. Moffitt

Esther Weston

COUNCIL MEMBERS

1st Reading		2nd Reading
Motioned by:	B. RODRIGUEZ	M. MOFFITT
Seconded by:	B. GUYTON	E. WESTON
M. Confrey	AYE	AYE
B. Guyton	AYE	
B. Orange	ABS	
M. Moffitt	AYE	AYE
B. Rodriquez	AYE	AYE

E. WESTON

CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 3-6-95

ORDINANCE NO. 2659

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 640, CHAPTER 21 ENTITLED "VEHICLES FOR HIRE" OF THE CODE OF ORDINANCES BY PROVIDING FOR A RATE INCREASE FOR METERED CABS; PHASING OUT THE USE OF NON-METERED CABS EFFECTIVE TWO YEARS AFTER ADOPTION OF THE ORDINANCE; REQUIRING UNIFORMITY IN COLORS AND PAINT JOBS FOR VEHICLES OWNED BY THE SAME COMPANY; REQUIRING SEMI-ANNUAL INSPECTIONS TO INCLUDE PROOF OF INSURANCE FOR EACH VEHICLE, MECHANICAL AND SAFETY INSPECTIONS, DRIVER LICENSE AND RECORD; REQUIRING CITY ISSUED PHOTO IDENTIFICATION FOR DISPLAY IN VEHICLES; ALLOWING FOR A FIFTEEN (15%) PERCENT INCREASE FOR NON-METERED VEHICLES; PROVIDING FOR AVAILABILITY OF FEE SCHEDULE FOR INSPECTIONS; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVINGS CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, THAT CHAPTER 21 OF ORDINANCE 640 OF THE CODE OF ORDINANCES FOR THE CITY OF RIVIERA BEACH BE AMENDED AS FOLLOWS:

SECTION 1. That Chapter 21 of Ordinance 640 (Vehicles for Hire) as amended of the Code of Ordinances of Riviera Beach, Florida, be and the same is further amended to read as follows:

Section 21-21. Equipment and Maintenance of Vehicles

(C) Periodic Inspection: Every vehicle operating under this Chapter shall be periodically inspected every six (6) months, in accordance with the procedure herein established, to insure the continued maintenance of safe operating conditions. Such semi-annual inspections are to include, but not be limited to:

1. Proof of insurance for each vehicle
2. Mechanical and safety inspections
3. Inspection of driver's license and driving record

~~All vehicles operated as taxicabs or jitneys which are more than three years old, including the current year, shall be inspected quarterly~~. The exact dates for making the semi-annual inspections required by this subsection shall be established by the Chief of Police. Inspections from other Regulatory Agencies will be accepted if the date of inspection is within 60 (sixty) days of the inspection date required by this Ordinance.

(F) Inspection Fee: An inspection fee of $ _____ for each vehicle inspected under the provisions of this section shall be required of the certificate holder. The inspection fee shall be paid into the General Fund of the City and applied to the cost of administration of this section.

(G) Age of Vehicle: No vehicle shall exceed 7 (Seven) years in age.

Section 21-23. Schedule of Maximum Fares for Taxicabs

(a) One dollar and twenty-five cents ($1.25) for the first ~~one fifth (1/5)~~ one sixth (1/6) or any part thereof, and twenty-five cents ($.025) for each additional ~~one fifth (1/5)~~ one sixth (1/6) mile or any part thereof. ~~Twenty cents ($0.20)~~ Twenty-five cents ($0.25) for each minute, or any part thereof, of waiting time.

Section 21-27. Schedule of rates and name of Certificate holder to be painted or posted on taxicabs or jitney.

There shall be painted on each front door of each licensed taxicab, jitney, intercity jitney, and other vehicles for hire in letters at least three (3) inches in height and one-fourth (1/4) inch wide strokes, the name of the certificate holder under which such vehicle is operated, and intercity jitneys shall also have the words "Intercity Jitney" painted on each front door in letters of the size herein provided. In the case of taxicabs, jitneys and other automobiles for hire, the schedule of fares shall likewise be painted on the outside of the vehicle and such fare schedule shall be posted in the interior thereof. Such schedule of fares shall be visible at all times to passengers. ~~The schedule for fares fir jitneys and other automobiles for hire shall be posted in the interior of such vehicles and shall be visible at all times to passengers.~~

Section 21-46. Non-Metered Cabs

(A) Non-metered vehicles shall be allowed to increase their fares by fifteen percent (15%).

(B) Non-metered cabs shall be phased out within two (2) years after the effective date of this Ordinance.

Section 21-47. Uniformity in Colors and Paint Jobs

Metered and non-metered cabs owned by the same company are to be uniform in color(s) and paint jobs.

Section 21-48. City Photo Identification Displayed

A City issued photo identification shall be prominently displayed in the vehicle.

Section 21-49. Revocation of Certificate for Violations.

(A) Violations of any sections of this Ordinance are to brought to the attention of the certificate holder in whose service the vehicle for hire is employed. Repeated occurrences by the same or other drivers of the same certificate holder shall be grounds for revocation and cancellation of the holder's certificate.

(B) Any person, either by himself or agent, who shall violated any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed five hundred dollars ($500) or be imprisoned in the County Jail for a period not to exceed sixty (60) days or by both such fine and imprisonment.

SECTION 2. That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3. That should any section or provision of this Ordinance or any part thereof, any paragraph, sentence or word be declared by a Court of Competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or any part thereof, other than the part declared to be invalid.

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

SECTION 5. This Ordinance shall take effect upon its passage and adoption at second and final reading.

PASSED and APPROVED on the first reading this 1st day of March, 1995.

PASSED and ADOPTED second and final reading this 15th day of March, 1995.

APPROVED:

Clara K. Williams
MAYOR

CHAIR

Margaret Confrey
CHAIR PRO TEM

Marilyn S. Moffitt

Eadie Brecht

COUNCIL MEMBERS

ATTEST:

Gwendolyn E. Davis
CITY CLERK

ORDINANCE NO. 2659

MOTIONED BY: M. MOFFITT — M. MOFFITT

SECONDED BY: B. RODRIGUEZ — E. WESTON

	1st Reading	2nd & Final Reading
B. ORANGE	ABS	-------
M. CONFREY	AYE	AYE
B. RODRIGUEZ	AYE	-------
B. GUYTON	AYE	-------
M. MOFFITT	AYE	AYE
		AYE / E. WESTON

MR/dmb (revised 030995)

REVIEWED FOR LEGAL SUFFICIENCY

Matthew C. Russell
ASSISTANT CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 3/10/95

ORDINANCE NO. 2660

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTIONS 2-76 - 2-90, AND CHANGING SECTION 2-91 TO SECTION 2-92, THEREBY CREATING A NEW SECTION 2-91 OF ARTICLE VI, DIVISION 3 OF CHAPTER 2 RELATING TO CIVIL SERVICE AND BY CHANGING SECTION 2 TO SECTION 15 OF THE CODE OF ORDINANCES; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA.

SECTION 1. That Section 2-76 - 2-90 be amended and that Section 2-91 be changed to Section 2-92, thereby creating a new Section 2-91 of Article VI, Division 3 of Chapter 2 relating to civil service and by changing Section 2 to Section 15 of the Code of Ordinances, providing a penalty clause, repealing clause, saving clause, authority to codify, an effectie date and for other purposes .

Sec. ~~2.76.~~ 15-1. Definitions.

As used in this division, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) The word "city" shall mean the City of Riviera Beach.

(2) The word "council" shall mean the city council of the City of Riviera Beach.

(3) The word "board" shall mean the civil service board herein provided for general and police and fire employees.

(4) The term "members of the civil service" shall mean the persons employed by the city on a regular, full-time basis as a firefighter and police officer who shall be responsible to the police and fire civil service board and all other employees shall be considered under the General Civil Service Board and who are subject to the civil service provisions of this division.

(5) The term "department heads" shall mean the director, chief, or head of the departments created by this chapter or from time to time by the city council under this division.

(6) The term "hearing officer" shall mean the person who adjucates employee hearings.

Sec. ~~2-77.~~ 15-2. Civil board-created; composition; qualifications and removal of members; quorum; meetings.

(a) *Creation; selection; term.* There shall be two (2) ~~A~~ civil service boards for the city. One board for general employees and one (1) board for sworn police officers and uniform fire employees. Each board shall consist~~ing~~ of seven (7) members is hereby created. Five (5) of the members shall be selected by the city council and shall be composed of persons who are sympathetic to the principles ~~of a merit program~~ of personnel administration. The remaining members shall be ~~chosen~~ elected as directed by the city charter which says in part:

~~"the General Employees of the City shall have the right to elect from its respective departments at least two of their fellow employees who shall serve on the board on all matters pertaining to their respective departments. That is to say, the General Employees membership shall elect two employees to represent all the General Employee departments."~~

"The fire department, police department and the general employees of the city shall have the right to elect from its department at least two (2) of their fellow employees who shall serve on the board on all matters pertaining to their respective departments."

Each member shall serve for a period of ~~three (3)~~ two (2) years. In addition, two (2) alternates shall be selected for each board, one alternate to be selected by the city council and one alternate to be ~~selected~~ elected by the general, uniform fire and sworn police employees, respectively. Alternate members shall be selected and elected for a term of one (1) year to serve in the absence of any of the regular members of the civil service boards. Individual members of the board shall serve until their successors have been selected and qualified.

Terms of appointed members of the board shall end at 5:00 p.m. on the date of the second regular city council meeting in April. The term of office of elected members of the board shall end April 30th.

All members of each board shall serve without recompense unless provided by the legislative body.

(b) *Qualifications.* All members of the board, except employee members, shall be registered voters of the City of Riviera Beach, Florida; however, that no person who has been convicted of a crime involving moral turpitude shall be eligible to hold such office.

(c) *Removal.* Members of the board may be removed by the city council for incompetency, neglect of duty, or malfeasance in office. In the event of resignation or death of a board member or his removal from office, the council shall within thirty (30) days, appoint a person to fill the unexpired term of office.

(d) *Quorum.* A majority of the board shall constitute a quorum necessary for the conduct of the business of the board.

(e) *Meetings.* The board shall hold not less than one regular meeting each month and may hold other meetings at the call of the chairman as may be required for the transaction of the business of the board.

Sec. ~~2-78.~~ 15-3. Same-Function and duties.

It shall be the function of the civil service boards to encourage and promote a proper personnel system for the city, to inspire public confidence in the city service, to assist, through a proper personnel system, administrative officials in the efficient performance of their tasks, and to provide employees in the classified service, an opportunity for honorable and useful employment. The civil

service boards shall have specific functions to be outlined in the following provisions and shall also have a general responsibility for creating standards of conduct and service which will be of mutual advantage to the city and its employees.

Sec. ~~2-79.~~ 15-4. Same-Reports.

The board shall make periodic reports at least once a year, of the activities of the board and of the needs of the city relating to the city manager.

Sec. ~~2-80.~~ 15-5. Same-Authority to adopt rules and regulations.

The board shall adopt, and amend as necessary, a code of regulations which pertain to their own operating procedure. The board shall ~~also~~ adopt rules and regulations regarding the hearing and adjudication of grievances relating to demotion, suspension and dismissal upon appeal from a decision of the city manager. The rules and regulations are subject to approval of the city council.

Sec. ~~2-81.~~ 15.6. Classified and unclassified service.

(a) *Division of employment; jurisdiction of boards.* All employment within the city service shall be divided into the classified or the unclassified service. The authority of the civil service boards shall extend only to those positions within the classified service.

(b) *Unclassified service.* The unclassified service shall extend to persons elected by public vote, and appointments made by the city manager, and city council such as, but not limited to, the city manager, the city attorney, and assistant city attorney, ~~purchasing agent, heads of departments established by the city council,~~ members of boards or commissions or committees appointed by the city council, intermittent employees, persons employed under limited term contractual service to perform specialized technical and professional services for the city, and such other additional positions as the city council may include because of the specialized or confidential nature of the position.

(c) *Classified service.* All other employment in the city shall be deemed to be within the classified service and shall be subject to the jurisdiction of the civil service boards.

(d) *Transfer between services.* Any employee in the classified service holding regular or probationary status who accepts a temporary position in the unclassified service shall have the right to return to the position held in the classified service or a comparable position upon completion of his service in an unclassified position. Credit for pension benefits or time in service shall not be adversely affected by service in an unclassified position.

Sec. ~~2-82.~~ 15-7. Title and compensation of employees.

No employee in the classified service shall be employed under a position title nor paid a salary not in accordance with the provisions of a schedule set by the city council establishing a list of approved class titles and compensation rates for such titles.

Sec. ~~2-83.~~ 15-8. Examinations.

The ~~board~~ Department of Human Resources shall by rule, provide for the conduct of examinations in a manner which will fairly test the ability and capacity of individuals admitted to the examination. The ~~board~~ Department of Human Resources may establish reasonable standards for admission to examinations. Examinations may consist of any one, all or a combination of the following:

Written test, oral test, performance test, evaluation of training and experience, seniority, efficiency rating, physical and medical examination, or any other type or combination of examination which may reasonably establish the merit and fitness of applicants for the position.

Any civil service employee who is dismissed for misconduct or delinquency or who resigns while charges are pending shall not be eligible for future employment by the City.

Sec. ~~2-84.~~ 15-9. Establishment of eligible registers.

The civil service board chairperson and director of department of human resources shall provide for the establishment of eligible registers. A register may consist of one or more of the following: Reemployment list, promotional list, and open list. The reemployment list shall contain the names of employees who have been separated from a position in the classified service, and who left against their own will and in good standing, after completion of the probationary period. The promotional list shall consist of the names of individuals who are in the civil service and qualified through open competitive examination for a position on the list. The open list shall contain the names of persons who have qualified by examination but are not at present members of the civil service of the city. The promotional and open list shall remain in effect for one year from date of qualification. Provision may be made for examination and combination of the eligible lists resulting therefrom, either in the order of respective final grades in the examinations or in the order of the dates of examinations.

Sec. ~~2-85.~~ 15-10. Appointments.

(a) No person shall be appointed or promoted to any position in the classified civil service except upon requisition by the ~~appointing authority~~ department head and upon certification by the board chairperson and director of department of human resources from an eligible list prepared in accordance with Sections ~~2-83.~~ 15.8. and ~~2-84.~~ 15.9. of this division. To fill existing positions in the city service, the ~~city manager~~ department head shall determine the duties and responsibilities of the position or promotion to be filled. The ~~city manager~~ department head, after certification of names of persons on the eligible list have been made, shall make requisitions from the certified eligible list for employment; the position, if filled, must be filled by the appointment and employment of one of the persons certified. Management shall first consider those individuals on the reemployment list; second those individuals on the promotional list; and third those persons whose names are on the open list. When a person on the reemployment or promotional list is not chosen, the reason, in writing, for such action shall be filed with the ~~civil service board~~ Department of Human Resources.

~~Consideration will be given in order of standing on the eligible list. Notwithstanding, however,~~ the ~~interviewing supervisor~~ department head may, in the event there are five (5) or more names on the list, choose one of the top five

(5) and not necessarily in order of standing. If there are less than five (5) names on the list, he may choose one or reject all. If there is one (1) name on the list he may choose to accept or reject the individual. ~~In each instance when the appointing authority appoints or promotes, as the case may be, any person out of the order of the standing on the eligible list, certified to him or it by the chairman of the board for the position, the appointing authority shall forthwith deliver to the chairman a written statement of his or its reason for so appointing or promoting the person so appointed or promoted.~~

~~The reason for a rejection of both persons on the list of two (2) or the person on the list of one shall also be explained in a written statement. Each such statement shall be filed in the office of files of the civil service board for city employees and shall be open for public inspection.~~

(b) Nothing in this section shall prevent the filling of the position by reinstatement, transfer or demotion of an employee. The city manager or appointing authority may make a provisional appointment of a person, due to the absence of an eligible list, provided the person meets the requirements for the class of position and provided further that Section ~~2-86.~~ 15-11. of this division is abided by.

Sec. ~~2-86.~~ 15-11. Employment.

(a) *Regular, temporary, provisional and part-time employment.* Employment in the city service shall be divided into categories of regular employment, provisional employment, or temporary employment. Regular employment shall be defined as employment in the position which has an expected duration of more than six (6) months and after the satisfactory completion of the probationary period following probationary appointment or promotion. Temporary employment shall be defined as employment in a position with expected duration of not to exceed six (6) months employment. Provisional employment shall be defined as that employment due to the absence of an eligible list. Provisional employment may not exceed for more than three (3) months nor more than fifteen (15) days following the establishment of the eligible list by the ~~board~~ Department of Human Resources whichever is less in length of time. Part-time employment shall be defined as employment which requires a weekly work schedule of less than 40 hours. Part-time and temporary employees do not receive benefits assigned to those of regular and provisional employment.

(b) *Emergency appointments.* The city manager may, in time of emergency or to prevent the stoppage of public business, make emergency appointments not to exceed thirty (30) days of any person to any position without regard to civil service procedures.

Sec. ~~2-87.~~ 15-12. Probationary period.

Individuals appointed from a certified list to regular employment shall serve a probationary period of a minimum of six (6) months, but which shall not extend for more than twelve (12) months. Sworn police officers and uniform fire personnel shall serve a minimum of twelve (12) months probation but which shall not extend for more than eighteen (18) months. An employee appointed to a temporary position does not serve a probationary period and such service shall

not count in completing a probationary period. An employee appointed to a provisional position may receive credit for probationary time while serving in a provisional position.

Sec. ~~2-88.~~ 15-13. Procedure for discharge, suspension, and demotion of employees.

(a) *Probationary period.* During the probationary period, the city manager may, at his discretion, discharge suspend or demote an employee. ~~by giving, in writing, reasons for such discharge, and submitting such reasons to the employee and civil service.~~

Notice of discharge, suspension and demotion shall be given the employee or sent by ~~registered~~ certified mail, return receipt requested, to ~~his~~ the last known address. The decision of the city manager shall be final. ~~The civil service board may investigate the reasons for dismissal and if, in their opinion, the reasons do not warrant dismissal the board may recommend restoring the person's name to the eligible list.~~

No probationary employee has the right to appeal any disciplinary action or dismissal by the city manager for any cause whatsoever to the civil service board or hearing officer. The civil service board has no jurisdiction over probationary employees.

(b) *Probationary period completed.* The city manager may discharge an employee who has completed his probationary period from his position at any time, upon filing charges with the civil service board outlining the specific reasons for dismissal. The civil service board shall review the hearing officer's finding of facts and render the decision within thirty (30) calendar days. These written charges must be given personally to the employee or sent by ~~registered~~ certified mail, return receipt requested, to the ~~his~~ last known address and discharge cannot be made effective until this notice has been given to or sent to the ~~home~~ last known address of the employee. A copy of the notice of discharge, citing the reasons given, must be filed with civil service board. The employee may, within ten (10) calendar days after receipt of his notice, file ~~an answer with the civil service board and may~~ a request ~~a~~ for a hearing with ~~by~~ the board to determine whether there is any competent evidence to support ~~the reasonableness of~~ the discharge. The ~~civil service board~~ hearing officer shall begin such hearing within ~~fifteen (15)~~ thirty (30) calendar days following receipt of the request for hearing by the employee.

In a hearing the ~~board~~ hearing officer shall not be bound by rules of technical evidence but shall use reasonable grounds and discretion to secure a fair and complete hearing of the facts in the case. The employee, the department head or the city manager, ~~and the board~~ may be represented by counsel if desired. Written notice shall be given to the person so dismissed with a copy to the city manager, director of Human Resources and department head, of the time and place of the hearing. The hearings shall always be open to the public.

Upon completion of the hearing, the ~~board~~ hearing officer shall ~~make its decision~~ present the finding of facts and recommendation within fifteen (15) calendar days to the civil service board. The decision of the civil service board shall be final and binding on the employee, the city manager, and the legislative body unless an appeal is taken to civil court. ~~Nothing in this division shall be construed to prevent the temporary suspension, without pay, of an~~

~~employee for a period of not more than thirty (30) days for the purpose of investigating and filing charges against the employee.~~ The civil service board may only overturn the action of the city manager where there is absolutely no evidence to support the city manager's action.

(c) *Suspension without pay.* The city manager may suspend, without pay, an employee for a period not to exceed thirty (30) calendar days in any one calendar year, for ~~failure to perform his duties in a proper manner~~ purposes of discipline. Such suspension by the city manager shall be subject to notice to the employee, to appeal by the employee, and to a hearing in the same manner previously provided for dismissal of an employee.

(d) *Demotion.* The city manager may demote an employee for purposes of discipline. Such demotion by the city manager shall be subject to notice to the employee, to appeal by the employee, and to a hearing in the same manner previously provided for dismissal and suspension of the employee.

~~(d)~~ (e) *Refusal to obey subpoena.* It shall be unlawful for any person to refuse to respond to any subpoena duly issued by the ~~board~~ hearing officer without a legitimate excuse therefore and such failure or refusal to respond may be declared a misdemeanor and shall be punishable as now provided for by Section 1-~~8~~ 11 of the City Code.

~~(e)~~ (f) *Witnesses before ~~board~~ hearing officer.* All City witnesses demanding witness fees for attendance shall be entitled to the per diem of ~~one dollar ($1.00)~~ five dollars ($5.00) to be paid by the city but no employee of the city summoned before ~~said civil service board~~ the hearing officer to testify shall be entitled to any compensation nor suffer any loss of pay for such attendance. ~~No person being tried may, without the consent of the board, summon more than four (4) witnesses before the board at the expense of the city, but may summon any number of witnesses at his own expense.~~ The aggrieved employee shall be responsible for all witness fees summoned by him.

~~(f)~~ (g) ~~*Mediation.*~~ *Pre-Determination Hearings/Disciplinary Review Hearing.* Nothing in this division shall prevent the city from making any necessary investigation, prior to or subsequent to the filing of charges, in an attempt to mediate the matter. Regular general employees must have a pre-determination hearing prior to disciplinary action to refute the charges. Sworn police and uniform fire personnel must have a disciplinary review hearing prior to any disciplinary action.

~~**Sec. 2-89. Advisory committee.**~~

~~(a) *Created; election of members.* An advisory committee of the employees of the classified service is hereby created. The employees of the classified service shall elect such advisory committee in the following manner: Each organizational unit or units as determined by the city manager shall elect one member and in the event the total number of members shall be an even number, all of the employees shall elect another so that the number of members of the advisory committee shall be an odd number.~~

~~(b) *Qualifications; filling vacancy; term; chairman.* Each of the members of the advisory committee must be a member of the classified service. Any vacancy caused by death, resignation, discharge from the classified service, or~~

~~such member. Each member of the committee shall serve for a period of one year and no member shall succeed himself as chairman. The members of the advisory committee shall retain their respective offices under this section until their respective terms of office shall expire and their successors are elected and qualified.~~

~~(c) *Duties; meetings of classified service.* It shall be the duty of the advisory committee to represent and protect the interest of all members of the classified service and to call meetings of the members of the classified service at any time and place which they deem necessary which shall not interfere with the operation of the city.~~

~~(d) *Prohibited from causing strike; powers; calling meetings of classified service; no penalty for representation.* The advisory committee shall never under any circumstances cause any strike or encourage any member or members whomsoever to be disobedient or to fail to perform their duties as required by law and ordinance. The advisory committee shall exercise only such powers as are delegated to it under bylaws adopted by a majority vote of the members of the classified service. The chairman or a majority of the advisory committee may, or upon demand of any five (5) employees, shall call a meeting of the members of the classified service. No officer of the city shall impose any penalty upon any member of the advisory committee by reason of his action in representing the members of the classified service.~~

~~**Sec. 2-90. Employees prohibited from engaging in political activities during working hours.**~~

~~No employee in the classified service shall engage in any political activity during working hours.~~

Sec. 15-14. Demotion, suspension, dismissal of employees-Causes generally.

Any member of the civil service under this division who shall be guilty of incompetence, malfeasance, nonfeasance, misfeasance, misconduct, neglect of his duty, insubordination, immorality, drunkenness, or violation of any law or rules of the department or city shall be subject to demotion, suspension or dismissal.

Sec. 15-15. Hearing Officer.

Services of a hearing officer may be secured by contract, which may be on a case by case basis or an annual basis for all hearings under civil service. Contract for hearing officer shall be made only with members of the Florida Bar in good standing, and who have the requisite overall qualification, as demonstrated by past experience.

City staff attorneys shall not serve as a hearing officer for civil service.

Sec. ~~2-91~~. 15-16. Appropriation for administration of division.

A sufficient sum of money shall be appropriated each year by the city council to carry out the provisions of the division. The amount of such appropriation shall be at the discretion of the city council.

SECTION 2. It is with the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Riviera Beach, Florida, and the sections of this Ordinance may be renumbered to accomplish such intentions.

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

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

SECTION 5. 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 March, 1995.

PASSED AND ADOPTED on second and final reading this 15th day of March, 1995.

Clara K. Williams
MAYOR

CHAIRPERSON

ATTEST:

Margaret Confrey
CHAIRPERSON PRO TEM

CITY CLERK

Marilyn B. Moffitt

COUNCIL MEMBERS

	1st Reading	2nd Reading
Motioned by:	B. GUYTON	M. MOFFITT
Seconded by:	M. MOFFITT	E. WESTON
B. Orange	ABS	--
M. Confrey	AYE	AYE
B. Guyton	AYE	--
B. Rodriquez	AYE	--
M. Moffitt	AYE	AYE
		AYE - E. WESTON

REVIEWED FOR LEGAL SUFFICIENCY
CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE:

ORDINANCE NO. 2661

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE IV, CHAPTER 13 OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES BY GRANTING AUTHORITY TO THE MARINA DIRECTOR TO MAKE EXCEPTIONS TO THE ESTABLISHED RATE SCHEDULE.

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

SECTION 13.82 That Chapter 13, Article IV and the City Code be amended to create a new section as follows:

The Marina Director shall be authorized to approved discretionary rate changes on a case by case basis for the sole purpose of generating increased revenues and to promote the use of Marina facilities. Any rate adjustment must be with the approval of the City Manager and must contain documentation supporting the justification for the request.

PASSED AND APPROVED OF FIRST READING THIS 15th DAY OF March, 1995.

PASSED AND ADOPTED ON SECOND AND FINAL READING THIS 5th DAY OF April, 1995.

APPROVED:

MAYOR

CHAIRPERSON

ATTEST:

CITY CLERK

PRO TEM

	1st Rdg.	2nd Rdg.
MOTIONED BY:	M. MOFFITT	M. MOFFITT
SECONDED BY:	E. WESTON	E. WADE
C. BECTON ~~B. ORANGE~~	--	AYE
M. CONFREY	AYE	AYE
E. WADE ~~B. RODRIGUEZ~~	--	AYE
~~B. GUYTON~~	--	
M. MOFFIT	AYE	AYE
E. WESTON	AYE	AYE

REVIEWED FOR LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE:

ORDINANCE NO. 2662

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT IN THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT AND ENVIRONMENTAL CONTROL TO UPDATE THE COMPREHENSIVE PLAN; TRANSMITTING THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR REVIEW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, provides procedures to amend an adopted comprehensive plan of a local government; and

WHEREAS, the proposed comprehensive plan text amendment in this ordinance is consistent with the City of Riviera beach Adult Entertainment Code (Ordinance No. 2648); and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed text amendment and forwarded its recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing and adopted said text amendment; and

WHEREAS, pursuant to Florida Statutes, the City transmits these amendments to the Florida Department of Community Affairs for review.

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

Section 1. Policy 1.8.1 of the Future Land Use Element is hereby amended as follows, wherein underlining indicates text to be added:

> General Industrial: Includes both the limited industrial district (light manufacturing, automotive uses, construction firms, wholesaling, etc.) to general industrial districts which include heavier manufacturing and petroleum storage but not the port. Mining shall continue to be prohibited. Adult entertainment establishments are allowed in accordance with City of Riviera Beach Ordinance No. 2648.

All other text in Policy 1.8.1 is to remain the same.

Section 2. The Director of Community Development and Environmental Control is authorized and directed to reflect this text amendment in the Comprehensive Plan by amending the text accordingly.

Section 3. This ordinance shall be effective after review by the Florida Department of Community Affairs, as outlined in Section 163.3189(2)(a), Florida Statutes.

PASSED AND APPROVED on first reading this 5th day of April, 1995.

PASSED AND ADOPTED on second reading this 16th day of August, 1995.

APPROVED:

MAYOR

[MUNICIPAL SEAL]

ATTEST:

CITY CLERK

CHAIRPERSON

CHAIRPERSON PRO-TEM

Hyacinthia Cynthia Becton

Margaret Confrey

COUNCIL MEMBERS

	1st Reading	2nd & Final Reading
MOTIONED BY:	M. CONFREY	E. WADE
SECONDED BY:	E. WADE	M. CONFREY
C. BECTON	AYE	AYE
M. CONFREY	AYE	AYE
M. MOFFITT	AYE	AYE
E. WADE	AYE	AYE
E. WESTON	AYE	AYE

a:\adultord.cp
3-29-95

CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE 7-26-95

ORDINANCE NO: 2663

AN ORDINANCE OF THE CITY COUNCIL 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 ORDINANCE AND SALARY SCHEDULE BY CREATING THE CLASSIFIED POSITION OF BOOKING TECHNICIAN UNDER CLASS TITLE POLICE (NON-SWORN), AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: That Section 2-100 of Chapter 2, Article VI, Division 3, of the Code of Ordinance of Riviera Beach relating to rates of pay and salary schedule be amended by creating the following classified position:

CLASS TITLE	CLASSIFICATION	PAY GRADE	SALARY
Police non-sworn	Booking Technician	G23	$8.5739/HR

SECTION 4 - EFFECTIVE DATE

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

PASSED AND APPROVED ON FIRST READING THIS 5th **DAY OF** April, **1995.**

PASSED AND ADOPTED ON SECOND READING THIS 19th **DAY OF** April, **1995.**

MAYOR — **CHAIRMAN**

ATTEST: — **CHAIRMAN PRO TEM**

CITY CLERK — **COUNCIL MEMBERS**

	FIRST READING	SECOND READING
MOTIONED BY:	E. WADE	E. WADE
SECONDED BY:	M. CONFREY	C. BECTON
M. CONFREY	AYE	AYE
M. MOFFITT	AYE	AYE
E. WESTON	AYE	AYE
C. BECTON	AYE	AYE
E. WADE	AYE	AYE

JPP: rh

FILE: MWFW\DATA\DOC\ORDINANC\APR.DOC (1) RJH 3/24/95

REVIEWED FOR LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 3.28.95

ORDINANCE NO: 2664

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, RELATING TO MOTOR VEHICLES; ESTABLISHING THE "COMBAT AUTO THEFT" (C.A.T.) PROGRAM, AS AUTHORIZED UNDER THE FLORIDA UNIFORM TRAFFIC CONTROL LAW; PROVIDING FOR ADMINISTRATION OF THE PROGRAM; A FEE, SEVERABILITY, AND INCLUSION IN THE CODE, PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

WHEREAS, Section 316.008, Florida Statutes, which is part of the Florida Uniform Traffic Control Law, authorizes Florida counties and municipalities to enact ordinances to establish "Combat Auto Theft" (CAT) programs, whereby motor vehicle owners may enroll their vehicles and give written consent to law enforcement officers to stop the enrolled vehicles if they are being operated between the hours of 1:00 AM and 5:00 AM, provided the CAT decal is properly displayed in the lower left corner of the enrolled vehicle's rear window; and,

WHEREAS, the Statute authorizes the counties and municipalities to charge fees for administration of the program, provides the vehicle owners are responsible for removing the CAT decals when terminating participation, or selling, or otherwise transferring ownership of an enrolled vehicle, and provides immunity from civil liability for law enforcement officers who stop enrolled vehicles in accordance with program requirements; and,

WHEREAS, the Police Chief of the City of Riviera Beach, and the City Council want a CAT program established in the City of Riviera Beach and provide for the Chief of Police to administer it.

NOW, THEREFORE,

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

SECTION 1: A new section of the City Code of Ordinances is created to read as follows:

1.01 COMBAT AUTO THEFT PROGRAM

(a) The Florida Uniform Traffic Control Law authorizes counties and municipalities to enact ordinances to establish "Combat Auto Theft" (CAT) programs, whereby vehicle owners may enroll their vehicles, giving advance written consent to law enforcement officers to stop their enrolled vehicles if they are being operated between the hours of 1:00 AM and 5:00 AM, provided the CAT decal is properly displayed in the lower left corner of the vehicle's rear window.

(b) A "Combat Auto Theft (CAT)" program, as authorized under the Florida Uniform Traffic Control Law is hereby established in the City of Riviera Beach, Florida. The program shall include:

1. Consent forms to be executed by motor vehicle owners who enroll vehicles in the program.

2. CAT program decals which conform to the specifications, colors and design of the uniform CAT decal established by the Florida Department of Law Enforcement for use throughout the State.

3. All other provisions of the "Combat Auto Theft" program as provided for in the Florida Uniform Traffic Control Law. Administration of the program shall be conducted by the Chief of Police of the City of Riviera Beach.

(c) In order to provide for the cost of administering the program, a fee of **$2.00** for each decal is hereby established. The City Clerk shall collect the decal fees and remit them to the City.

SECTION 2: SEVERABILITY

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

SECTION 3: INCLUSION IN CODE

It is the intention of the City Council that the provisions of this Ordinance shall become and be made a part of the City of Riviera Beach Code; and that the sections of this Ordinance may be renumbered or re-lettered, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4 - EFFECTIVE DATE

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

PASSED AND APPROVED ON FIRST READING THIS 5th **DAY OF** April **, 1995.**

PASSED AND ADOPTED ON SECOND READING THIS 19th **DAY OF** April **, 1995.**

MAYOR — **CHAIRMAN**

ATTEST: — **CHAIRMAN PRO TEM**

CITY CLERK — **COUNCIL MEMBERS**

	FIRST READING	SECOND READING
MOTIONED BY:	M. CONFREY	M. MOFFITT
SECONDED BY:	E. WADE	C. BECTON
C. BECTON	AYE	AYE
M. CONFREY	AYE	AYE
M. MOFFIT	AYE	AYE
E. WADE	AYE	AYE
E. WESTON	AYE	AYE

JPP: rh

FILE: MWFW\DATA\DOC\ORDINANC\APR.DOC (2-3) * RJH - 3/24/95

REVIEWED FOR LEGAL SUFFICIENCY

CITY ATTORNEY

CITY OF RIVIERA BEACH

DATE:

ORDINANCE NO. 2665

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2108 RELATING TO PAYMENT OF LEGAL FEES ON BEHALF OF CITY OFFICIALS CREATING A NEW SUBSECTION (C) WHICH EXPRESSLY PROVIDE AN EXCEPTION TO THE AGREEMENT TO PAY AND HOLD HARMLESS CITY OFFICIALS FROM COSTS AND ATTORNEY'S FEES INCURRED AFTER INDICTMENT OF CRIMINAL CHARGES OR IN CIVIL CASES WHERE ANY OFFICER, EMPLOYEE, OR AGENT OF THE CITY HAS ACTED IN A MANNER EXHIBITING WANTON AND WILLFUL DISREGARD OF HUMAN RIGHTS, SAFETY, OR PROPERTY AS PROHIBITED IN SECTION 768.28(9) OF THE FLORIDA STATUTES.

WHEREAS, the City Council deems it appropriate that Ordinance No. 2108 relating to payment of legal fees on behalf of city officials be amended; and

WHEREAS, the City Council deems it appropriate that a new subsection (c) be created providing for an exception to the city covenant to pay any and all legal costs and fees.

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

SECTION 1. That a new subsection (c) be created to provide as follows:

Irrespective of the terms and conditions set forth hereinabove the city shall not pay or indemnify any officer, agent or employee for any claims, settlements, costs or attorney's fees associated with the prosecution of a criminal charge after indictment. Further, the city shall not pay or indemnify its officers, agents or employees for any costs, attorney's fees, judgments or claims which are the result of bad faith or malicious purpose exhibiting wanton and willful disregard of human rights, safety or property in accordance with Section 768.28(9).

SECTION 2. If any section, clause, sentence or phrase of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. This ordinance shall be effective immediately upon the time of its passage.

PASSED and APPROVED on first reading this 5th day of April, 1995.

PASSED and ADOPTED on second and final reading this 19th day of April, 1995.

***SIGNATURES ON PAGE -2-**

APPROVED:

MAYOR

CHAIR

CHAIR PRO TEM

ATTEST:

CITY CLERK

COUNCIL MEMBERS

MOTIONED BY:	E. WADE	E. WADE
SECONDED BY:	M. CONFREY	C. BECTON
	1st Reading	2nd & Final Reading
M. CONREY	AYE	AYE
M. MOFFITT	AYE	AYE
E. WESTON	AYE	AYE
C. BECTON	AYE	AYE
E. WADE	AYE	AYE

Approved as to form and legal sufficiency

[AD/dmb/dpm.03.22.95]

ORDINANCE NO. 2666

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 ORDINANCE OF RIVIERA BEACH, FLORIDA RELATING TO RATES OF PAY AND SALARY SCHEDULE BY INCREASING THE SALARY OF UNIFORM FIRE PERSONNEL REPRESENTED BY THE RIVIERA BEACH ASSOCIATION OF FIREFIGHTERS 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, of 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 uniform fire personnel represented by the Riviera Beach Association of Firefighters Collective Bargaining Agreement as follows, providing an effective date:

(A) For the 1994-1995 fiscal year effective October 1, 1994 each employee's wages will increase by three (3%) percent. There will be no further wage adjustments during the 1994/95 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 5th day of April, 1995.

PASSED AND ADOPTED on second and final reading this 19th day of April, 1995.

APPROVED:

Thelma K. Williams
MAYOR

ATTEST:

Brenda Fox-Davis
CITY CLERK

Pat Weston
CHAIRPERSON

Marion Moffitt
CHAIRPERSON PRO TEM

Elizabeth Wade

Hyacinthia "Cinthia" Becton

Margaret Confrey
COUNCIL MEMBERS

1st Reading

Motioned by:	C. BECTON
Seconded by:	M. MOFFITT
M. Confrey	AYE
M. Moffitt	AYE
E. Weston	AYE
C. BECTON	AYE
E. WADE	AYE

2nd Reading

Motioned by:	E. WADE
Seconded by:	C. BECTON
M. Confrey	AYE
M. Moffitt	AYE
E. Weston	AYE
C. Becton	AYE
E. Wade	AYE

REVIEWED FOR LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 4.12.95

ORDINANCE NO. 2667

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 ORDINANCE OF RIVIERA BEACH, FLORIDA RELATING TO RATES OF PAY AND SALARY SCHEDULE BY REGRADING VARIOUS CLASSIFIED POSITIONS UNDER CLASS TITLE PUBLIC SAFETY AND SERVICE AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: That Section 2-100 of Chapter 2, Article VI, Division 3, of the Code of Ordinance of Riviera Beach relating to rates of pay and salary schedule be amended by regrading various classified positions under Class Title Public Safety and Service:

CLASSIFICATION	PAY GRADE		SALARY	
	FROM	TO	FROM	TO
Firefighter	F26	F29	$21,016-32,988	$24,189-38,032
Driver Engineer	F28	F31	$23,133-36,350	$26,584-41,837
Fire Captain	F30	F33	$25,388-39,934	$29,226-46,035
Division Chief	F33	F36	$29,226-46,035	$33,742-53,606
Emergency Medical Division Chief	F33	F36	$29,226-46,035	$33,742-53,606

SECTION 2. This Ordinance shall take effect as provided by law.

PASSED AND APPROVED on first reading this 5th day of April, 1995.

PASSED AND ADOPTED on second and final reading this 19th day of April, 1995.

APPROVED:

MAYOR

CHAIRPERSON

ATTEST:

CHAIRPERSON PRO TEM

CITY CLERK

COUNCIL MEMBERS

1st Reading		2nd Reading
MOTIONED BY:	M. MOFFITT	E. WADE
SECONDED BY:	C. BECTON	M. MOFFITT
M. CONFREY:	AYE	AYE
M. MOFFITT:	AYE	AYE
E. WESTON:	AYE	AYE
C. BECTON:	AYE	AYE
E. WADE:	AYE	AYE

REVIEWED FOR LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 4.12.95

ORDINANCE NO. 2668

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 BE AMENDED BY DELETING THE CLASSIFIED POSITION OF COMMUNICATIONS OPERATOR UNDER CLASS TITLE OF POLICE (NON-SWORN) AND BY CREATING THE CLASSIFIED POSITION OF EMERGENCY COMMUNICATIONS OPERATOR UNDER CLASS TITLE POLICE (NON-SWORN) AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: That 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 deleting the classified position as follows:

CLASS TITLE	CLASSIFICATION	PAY GRADE	SALARY
POLICE (Non-sworn)	Communications Operator	G-20	$16,635-$25,941

SECTION 2: 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 creating the classified position as follows:

CLASS TITLE	CLASSIFICATION	PAY GRADE	SALARY
POLICE (Non-sworn)	Emergency Communications Operator	G-20	$16,635-$25,941

SECTION 3: This Ordinance shall take effect as provided by law.

PASSED AND APPROVED on first reading this 5th day of April, 1995.

PASSED AND ADOPTED on second and final reading this 19th day of April, 1995.

APPROVED:

MAYOR

CHAIRPERSON

ATTEST:

CITY CLERK

CHAIRPERSON PRO TEM

COUNCIL MEMBERS

Motioned by: M. MOFFITT
Seconded by: C. BECTON

continued on next page.....

FIRE DEPARTMENT EMPLOYEES

	MINIMUM	MAXIMUM
F-26		
HOUR	7.8528	12.3284
WEEK	416.1920	653.4098
ANNUAL	21,642.0305	33,977.5241
F-27		
HOUR	8.2497	12.9569
WEEK	437.2296	686.7156
ANNUAL	22,735.8020	35,709.1635
F-28		
HOUR	8.6456	13.5853
WEEK	458.2084	720.0214
ANNUAL	23,826.7015	37,440.8385
F-29		
HOUR	9.0401	14.2138
WEEK	479.1278	753.3272
ANNUAL	24,914.7292	39,172.9036
F-30		
HOUR	9.4882	14.9246
WEEK	502.8721	791.0059
ANNUAL	26,149.6069	41,132.3175
F-31		
HOUR	9.9352	15.6355
WEEK	526.5691	828.6846
ANNUAL	27,381.2818	43,091.7315

FIRE DEPARTMENT EMPLOYEES

	MINIMUM	MAXIMUM
F-32		
HOUR	10.4303	16.4203
WEEK	552.8071	870.2754
ANNUAL	28,745.8015	45,254.5731
F-33		
HOUR	10.9227	17.2048
WEEK	578.9034	911.8545
ANNUAL	30,103.1235	47,416.2563
F-34		
HOUR	15.1785	24.6109
WEEK	607.1388	956.5774
ANNUAL	31,570.9879	49,741.8563
F-35		
HOUR	15.9174	25.0913
WEEK	636.6979	1,003.6522
ANNUAL	33,108.1469	52,189.6524
F-36		
HOUR	16.7091	26.5453
WEEK	668.3607	1,061.8131
ANNUAL	34,754.5127	55,213.9879
F-37		
HOUR	17.5489	27.8720
WEEK	701.9620	1,114.8801
ANNUAL	36,501.9660	57,973.8629

ORDINANCE NO. 2668

1st Reading		2nd Reading	
M. Confrey	AYE	M. Confrey	AYE
M. Moffitt	AYE	M. Moffitt	AYE
E. Weston	AYE	E. Weston	AYE
C. Becton	AYE	C. Becton	AYE
E. Wade	AYE	E. Wade	AYE

MOTIONED: M. MOFFITT
SECONDED: E. WADE

REVIEWED FOR LEGALITY
CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE:

ORDINANCE NO. 2669

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31, "ZONING" OF THE CODE OF ORDINANCES BY ASSIGNING CG - GENERAL COMMERCIAL ZONING TO A CERTAIN 11.6 ACRE PARCEL OF LAND LOCATED AT THE NORTHEAST CORNER OF BLUE HERON BOULEVARD AND INTERSTATE 95, MORE PARTICULARLY DESCRIBED IN SECTION 1; DIRECTING THE CITY CLERK TO UPDATE THE CITY'S ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS,; and Chapter 166, *Florida Statutes (FS)*, provides procedures to amend the City's zoning regulations; and

WHEREAS, legal notice and review procedures were followed in accordance with Chapter 166, FS, which provides procedure for zoning map amendments affecting less than five percent of the City's total land area; and

WHEREAS, the subject parcel has been annexed into the City of Riviera Beach and needs to be assigned a City zoning classification; and

WHEREAS, Chapter 163, FS, requires the City Zoning Map to be consistent with the Future Land Use Map in the City's adopted Comprehensive Plan; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the petitioner's request for proposed zoning at a public hearing and forwarded a recommendation to the City Council; and

WHEREAS, the City Council, sitting as the Local Governing Body, reviewed the request and recommendations of the Planning and Zoning Board and City staff at a public hearing and voted to grant the petitioner's request.

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

Section 1. Chapter 31, "Zoning" of the Riviera Beach Code of Ordinances is amended by assigning CG - General Commercial zoning to a 11.6-acre parcel of land located at the northeast corner of Blue Heron Boulevard and Interstate 95. The legal description of the subject parcel is as follows:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND RUN NORTH 01 DEGREES 34 MINUTES 06 SECONDS EAST, ALONG THE WEST LINE OF SECTION 30, A DISTANCE OF 1345.31 FEET TO A POINT ON THE CENTERLINE OF BLUE HERON BOULEVARD; THENCE SOUTH 87 DEGREES 40 MINUTES 36 SECONDS EAST ALONG THE CENTERLINE OF BLUE HERON BOULEVARD 593.81 FEET; THENCE NORTH 02 DEGREES 19 MINUTES 24 SECONDS EAST, 81.00 FEET TO A POINT ON THE PROPOSED NORTH RIGHT-OF-WAY LINE OF SAID BLUE HERON BOULEVARD, SAID POINT BEING ALSO THE BEGINNING OF THE LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 9 (INTERSTATE HIGHWAY #95) AND THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 40 MINUTES 36 SECONDS WEST ALONG SAID LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE NO. 9 (INTERSTATE

HIGHWAY #95), A DISTANCE OF 100.00 FEET; THENCE NORTH 53 DEGREES 59 MINUTES 12 SECONDS WEST STILL ALONG SAID LIMITED ACCESS RIGHT-OF-WAY LINE 180.31 FEET; THENCE NORTH 08 DEGREES 18 MINUTES 36 SECONDS WEST ALONG SAID LIMITED ACCESS RIGHT-OF-WAY LINE 558.57 FEET; THENCE SOUTH 87 DEGREES 40 MINUTES 36 SECONDS EAST 853.10 FEET; THENCE SOUTH 02 DEGREES 19 MINUTES 24 SECONDS WEST 624.00 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE; HAVING A RADIUS OF 25.00 FEET, THRU A CENTRAL ANGLE OF 90 DEGREES FOR AN ARC DISTANCE OF 39.27 FEET TO A POINT OF TANGENCY; THENCE NORTH 87 DEGREES 40 MINUTES 36 SECONDS WEST, ALONG SAID PROPOSED NORTH RIGHT-OF-WAY LINE 475.00 FEET TO THE POINT OF BEGINNING.

Section 2. The City Clerk is hereby authorized and directed to amend the City Zoning Map to reflect the amendment adopted by this ordinance.

Section 3. This ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED AND APPROVED on First Reading on this 19th day of April, 1995.

PASSED and ADOPTED on Second Reading this 19 day of July, 1995.

APPROVED:

Elma K. Williams
MAYOR

Eileen Weston
CHAIRPERSON

[MUNICIPAL SEAL]

Marilyn P. Moffitt
CHAIRPERSON PRO-TEM

Margaret Confrey

ATTEST:

Carrie E. Ward
CITY CLERK

Hyacinthia "Cinthia" Becton

Elizabeth Wade
COUNCILMEMBERS

	1st Reading	2nd & Final Reading
MOTIONED BY:	M. MOFFITT	C. BECTON
SECONDED BY:	E. WADE	E. WADE
E. JORDAN-WESTON	AYE	AYE
M. MOFFITT	AYE	AYE
C. BECTON	AYE	AYE
E. WADE	AYE	AYE
M. CONFREY	AYE	AYE

REVIEWED FOR LEGAL SUFFICIENCY
CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 4.12.95