

An Ordinance of the City Council of Riviera Beach, Palm Beach County, Florida, Amending #2391, Section 16-31 (a) (1) of Article III of the City of Riviera City Code Ordinances and thereby amending the current Marina Dry Storage Rate.

Be It ordained by the City Council of the City of Riviera Beach, Palm Beach County, Florida as follows:

SECTION I: That ordinance amending #2391, section 16-31 (a) (1), of Article III of the City of Riviera Beach code of ordinances and thereby amending the current Marina Dry Storage rate schedule by establishing \$6.75 per foot per month rate.

Minimum length is 20'.

SECTION: II: That section <sup>13-76 section</sup> 16-31 (a) (1) of the code of ordinances of the City of Riviera Beach relating to Marina rate for Dry Storage be amended and rate shall take effect on November 1, 1995.

SECTION III: 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 IV: 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 V: 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or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.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 VI: Specific authority is hereby granted to codify this Ordinance.

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

PASSED AND APPROVED ON FIRST READING THIS 20th DAY OF Sept., 1995

PASSED AND ADOPTED ON SECOND AND FINAL READING THIS 4th DAY OF Oct., 1995.

APPROVED:

Collin K. Williams MAYOR  
Charles Weston CHAIRPERSON

ATTEST:

Elizabeth Wade  
CITY CLERK  
E. WADE (1st)

Marilyn P. Moffitt  
CHAIR PRO TEM  
C. BECTON (1st)

MOTIONED BY: M. MOFFITT (2nd)  
1st READING

SECONDED BY: C. BECTON (2nd)  
2nd READING

- C. Becton AYE / AYE
- M. Confrey AYE / AYE
- M. Moffitt ABS / AYE
- E. Wade AYE / OUT
- E. Weston AYE / AYE

Margaret Confrey  
Hyacinthia "Cynthia" Becton  
Elizabeth Wade

EFFICIENCY  
CITY ATTORNEY  
CITY OF RIVIERA BEACH  
DATE: \_\_\_\_\_

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, ADOPTING PROCEDURES FOR QUASI- JUDICIAL PROCEEDINGS; PROVIDING FOR THE INTENT; PROVIDING DEFINITIONS; IDENTIFYING QUASI-JUDICIAL MATTERS; PROVIDING PROCEDURES FOR QUASI-JUDICIAL PROCEEDINGS, INCLUDING BUT NOT LIMITED TO EX-PARTE COMMUNICATIONS, NOTIFICATION, PRESENTATION OF EVIDENCE AND PREPARATION OF THE ORDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR EFFECTIVE DATE.

**WHEREAS**, the Florida Supreme Court has determined that the application of a general rule or policy to specific individuals, interests, or activities and does not affect a large portion of the public is quasi-judicial in nature; and

**WHEREAS**, the Courts have determined that any ex-parte communication with decision makers in quasi-judicial proceedings gives rise to a presumption that the communication is prejudicial; and

**WHEREAS**, the City Council has determined that it is in the best interest of the citizens of Riviera Beach, Florida to adopt procedures related to quasi-judicial proceedings;

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

**SECTION 1.** That Chapter 2, Sections 2-43 through 2-46 of the Code of Ordinances of the City of Riviera Beach, Florida, are hereby created to read as follows:

**CHAPTER 2: ADMINISTRATION**  
**QUASI-JUDICIAL PROCEEDINGS**

**Section 2-43. Intent.**

It is the intent of the City to provide an equitable and efficient manner for the City to hear matters which are considered quasi-judicial in nature and to set forth the City's procedures to be utilized for quasi-judicial proceedings. These procedures shall be utilized by the board of adjustment, planning and zoning board, and the City Council in regards to hearings on quasi-judicial matters in which their body is the final authority.

**Section 2-44. Definitions.** As used in this Chapter, the terms listed below shall be defined as follows:

- (1) Affected person means a person (or persons), natural or corporate, who is the owner of the subject property or who owns property within three hundred (300) feet of the subject property as listed in the records of the county property appraiser, or who resides in or operates a business within three hundred (300) feet of the subject property.
- (2) Board means the City Council sitting in its capacity as the board of adjustment, planning and zoning board, and the City Council.
- (3) City Council means the City Council of the City of Riviera Beach, Florida.

- (4) Party or parties means the petitioner, City, and any Affected Person who has requested to be heard at the proceeding.
- (5) Quasi-judicial in nature means the application of a general rule or policy to specific individuals, interests, or activities.
- (6) Quasi-judicial proceeding means hearing held by a Board or the City Council to adjudicate private rights of a particular person after a hearing which comports with due process requirements, and makes findings of fact and conclusions of law on the issue.
- (7) Site specific means an individual piece of real estate which can be clearly defined by street address, legal description or similar means at a single identifiable location.

Section 2-45. Quasi-Judicial Matters.

- (1) For the purposes of this chapter, the following matters, regardless of whether the final determination is made by the City Council or a Board, shall be considered to be quasi-judicial:
  - (a) Site specific rezonings and site plans;
  - (b) Site specific land use amendments;
  - (c) Conditional use approvals;
  - (d) Variances, including, but not limited to, trees, signs, setbacks, distance requirements between buildings or other variances permitted by the code of ordinances;
  - (e) Plat approval;
  - (f) Special Exceptions which relate to the use of land and business.

Section 2-46. Procedures for Quasi-Judicial Proceedings.

- (1) Ex parte (oral) communications.

Board and City Council members should avoid ex-parte communications where they are identifiable. However, it is recognized that in reality, council members are elected officials which may unavoidably be recipients of unsolicited ex-parte communications regarding quasi-judicial matters for which the Board or City Council will be required to decide. The affected Board or City Council member shall report the substance of any ex-parte (oral) communications which are made to them with regards to any quasi-judicial matter by any person who has a direct or indirect interest in the proceeding, or by any authorized representative or counsel, shall be reported to the Board or City Council at the beginning of the proceedings and such report shall become part of the record of the proceedings. The report of the incident shall include the identification of the person(s) involved in any ex-parte communication/ At the proceeding, the party(ies) responsible for the ex-parte communications shall have the opportunity to contest the accuracy of the communication and may be required to prove

absence of prejudice.

(2) Notification and Required Forms to be completed by Affected Persons, the Petitioner and the City.

(a) At least fourteen (14) calendar days prior to the proceeding, City shall provide a legal advertisement to be published in a newspaper of general paid circulation in Palm Beach County and of general interest and readership in the community, not one of limited subject matter. Said notice shall state the name of the petitioner for the requested action, the date, time and location of the proceeding, and the location and times where and when the petition and any back up information may be reviewed. In addition, the notice shall inform all Affected Persons that they will be allowed to present evidence at the hearing, bring forth witnesses, and cross-examine witnesses provided they notify and file the required forms provided by the City Clerk's Office, the substance of which is described in subsection (d) below, at least seven (7) calendar days prior to the proceeding.

(b) No later than fourteen (14) calendar days prior to the proceeding, a small notice containing the same information as the legal advertisement shall be sent to each real property owner within three hundred (300) feet of the subject property as each is listed in the records of the county property appraiser. Mail notice may be provided by bulk mail, first class mail or certified mail, return receipt requested.

(c) All cost for notification shall be paid by the petitioner.

(d) Any Affected Person desiring to testify, present evidence, bring forth witnesses, or cross-examine witnesses at the proceeding shall complete the require forms provided by the City Clerk's Office which forms shall at a minimum (1) set forth the Affected Person's name, address and telephone number which shall serve as notice to the petitioner and city of the Affected Person's intent to appear at the proceeding to testify, present evidence, bring forth witnesses, or cross-examine witnesses; (2) set forth the names, addresses and telephone number of all witnesses including consultants or experts to testify on their behalf; (3) provide copies of all documents, correspondence, memoranda or other evidence the Affected Person intends to present, use or make reference to during the proceeding; (4) indicate whether the Affected Person is for or against the petition; and (5) indicate how the Affected Person qualifies as an Affected

Person. The required form must be completed and returned to the City Clerk's Office at least seven (7) calendar days before the proceeding.

- (e) The petitioner and the City shall also complete the required forms, provided by the City Clerk's Office, described in subsection (d) above. The completed form shall be returned to the City Clerk's Office within the time frame set forth in subsection (d) above.
- (3) Presentation of evidence.
- (a) All persons testifying before a Board or the City Council must be sworn in. The petitioner, members of a Board or the City Council and any Affected Person who has provided notice that it intends to appear at the proceeding shall be given the opportunity to present evidence, bring forth witnesses, and cross-examine any witnesses.
  - (b) All evidence relied upon by reasonably prudent persons in the conduct of their business shall be admissible, whether or not such evidence would be admissible in a court of law. However, immaterial or unduly repetitious evidence shall be excluded.
  - (c) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding.
  - (d) Documentary evidence may be presented in the form of a copy or the original, if available. Upon request, parties shall be given an opportunity to compare the copy with the original.
  - (e) A party shall be entitled to conduct cross-examination when testimony is provided or documents are made a part of the record.
  - (f) The office of the City Attorney shall represent the Board or the City Council. Any questions as to the propriety and admissibility of evidence shall be presented to the City Attorney's Office in a timely fashion.

(4) Procedures for Quasi-Judicial Proceedings.

The proceedings shall be conducted in an informal manner. Each party shall have the right to do the following:

- (a) To call and examine witnesses;
- (b) To introduce exhibits;
- (c) To cross examine opposing witnesses on any relevant matter; and

(d) To rebut evidence.

(5) Conduct of Quasi-Judicial Proceedings.

To the extent possible, the following shall be the order of the proceedings:

- (a) Call the proceeding to order and announce the beginning of the proceeding. A majority of the Board or City Council members must be continuously present during the proceeding.
- (b) The matter to be heard and the rules concerning the admissibility of evidence should be announced.
- (c) Statements of counsel shall only be considered as argument and not be considered as testimony. Counsel for parties shall not be subject to cross-examination. The Board or the City Council shall have the authority to refuse to hear any testimony which is irrelevant or repetitive.
- (d) The chairman of the Board or the City Council shall have the option of determining the order of presentation of the parties in order to expedite the proceeding. During its presentation the City shall present any staff, board or other reports on the matter as well as any comments. These reports shall include, but not be limited to, a description of the request of the petitioner; a description/background related to the petition; an analysis which includes the consistency with the City's Comprehensive Plan, if applicable, and how the petition does or does not meet the requirements of the City Code; a listing of the exhibits to be presented; a listing of potential witnesses; a summarization of the issues; and the staff and board(s) recommendations. These reports shall include specific findings in support of justifying a recommendation for approval or denial of the petition.
- (e) Petitioner, or his or her representative, shall make a presentation. The petitioner should include a description of the nature of the petition if there is additional information that has not been previously provided to or by the City. In addition the petitioner shall introduce any exhibits and witnesses.
- (f) Parties who are in support of the

petition shall make their presentation. The party shall introduce any exhibits and witnesses.

- (g) Parties who are in opposition of the petition shall make their presentation. The party shall introduce any exhibits and witnesses.
- (h) City personnel in attendance shall provide any responses to any other party to the proceeding.
- (i) After each witness testifies or documents are made a part of the record, a party shall be permitted to question the witness. The questioning party is not permitted to make any statements, only to ask questions which are directly related to the testimony presented.
- (j) Final presentation by petitioner in response to any testimony from other parties.
- (k) Final presentation by City in response to any testimony from other parties.
- (l) The Board or the City Council shall deliberate on the petition. No further testimony shall be taken and the members of the Board or the City Council shall not ask further questions of persons presenting testimony. The Board or the City Council shall discuss the evidence that was presented at the proceeding and vote on the petition.

(6) Final Determination by Board or City Council

In reaching a determination as whether to grant or deny the petition, the Board or City Council shall:

- (a) Consider whether the petitioner's request is consistent with the City's Comprehensive Plan, if applicable, and
- (b) State with specificity the reasons for the approval or denial of the petition. Said approval or denial may by reference incorporate the staff, board or other reports or evidence presented at the proceeding.
- (c) State whether or not the order is to be recorded in the public records of Palm Beach County and, if applicable, that the cost of recording shall be paid by the petitioner.

(7) Preparation of the Order

The City Attorney's Office shall prepare the final order of the Board or City Council based upon the determination. The final order shall include, but not be limited to, the finding of

facts, any conditions, requirements or limitations on the approval of the petition, and whether or not the order shall be recorded in the Palm Beach County public records. If an ordinance is required to be adopted upon approval of an action by the City Council, a final order will not be prepared unless the petition is denied.

(8) Continuances and Deferrals

If, in the opinion of the Board or City Council, any testimony or documentary evidence or information presented at the proceeding justifies providing additional time to allow additional research or review in order to properly determine the issue presented, the Board or City Council shall continue the case to a designated time to allow for the additional research or review. After the decision is made to continue, the date to which the proceeding shall be continued shall be announced at the proceeding.

(9) Transcription of Quasi-Judicial Proceedings

- (a) The official transcript of a proceeding shall be preserved by tape recording or other device by the City Clerk's Office. Nothing precludes any party from providing a court reporter for the proceeding.

(10) Maintenance of Evidence and other documents

The office of the City Clerk shall retain all of the evidence and documents presented at the proceeding, except for large scale exhibits which shall be retained by the Planning, Zoning Division or Building Division, all which become a part of the public record of the proceeding.

(11) Appeal of final determination by Board or City Council

The final determination of the Board or City Council is subject to judicial review in a court of competent jurisdiction.

**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

ORDINANCE NO. 2687

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.** Specific authority is hereby granted to codify this Ordinance.

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

**PASSED and APPROVED** on first reading this 20th day of September, 1995.

**PASSED and ADOPTED** on second and final reading this 4th day of October, 1995.

**APPROVED:**

Edna K. Williams E. Weston  
MAYOR CHAIR

Wanda S. Moffitt  
CHAIR PRO TEM

**ATTEST:**

[Signature]  
CITY CLERK

Margaret Confrey  
Elizabeth Wade  
Hyacintha "Ciddie" Becton  
COUNCIL MEMBERS

ORDINANCE NO. 2687

MOTIONED BY: E. WADE

M. CONFREY

SECONDED BY: M. CONFREY

C. BECTON

**1st Reading**

**2nd & Final Reading**

E. WESTON AYE  
M. MOFFITT ABS  
C. BECTON AYE  
E. WADE AYE  
M. CONFREY AYE

AYE  
AYE  
AYE  
OUT  
AYE

[AD/dmb 09.13.95]

[Signature]  
9-13-95

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, ADOPTING DISCLOSURE PROCEDURES RELATED TO EX-PARTE COMMUNICATION WITH PUBLIC OFFICIALS IN ACCORDANCE WITH NEWLY ADOPTED LEGISLATION WHICH IS CODIFIED AT SECTION 286.0115, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

**WHEREAS**, the Florida Legislature has amended Chapter 286, Florida Statutes, to allow the public to voice its opinion to local public officials, both elected and appointed, so long as certain disclosure procedures are followed; and

**WHEREAS**, the Florida Legislature has determined that in order to remove the presumption of prejudice from ex-parte communication with local appointed and elected public officials, a municipality must adopt disclosure procedures, either by Ordinance or by Resolution in accordance with Florida Statutes 286.0115; and

**WHEREAS**, the City Council of the City of Riviera Beach desires to adopt such disclosure procedures in order to allow the greatest public access possible under the law to its elected and appointed public officials who act in quasi-judicial proceedings and, therefore, desires to adopt an appropriate disclosure process.

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

**SECTION 1.** The City of Riviera Beach hereby adopts the following public disclosure process relating to elected and/or appointed public officials who hold positions on any board, council or commission charged with taking recommendations and/or making final action on any quasi-judicial proceeding:

**ACCESS PERMITTED:** Any person not otherwise prohibited by statute, charter provision or ordinance may communicate in person or by writing to any local public official (elected and/or appointed) regarding the merits or lack thereof of any matter on which quasi-judicial action may be taken by any board, council or commission on which the local public official is a member, so long as the following process is observed:

(1) The substance of any ex-parte communication with a local public official (appointed and/or elected) which relates to any quasi-judicial action pending before the official shall not be presumed to have been prejudicial to the action if the subject of the communication and the identify of the person, group or entity with whom the communication took place is disclosed and made a part of the record of the quasi-judicial board, commission or council before final action on the matter.

(2) A local public official may read a written communication from any person regarding a matter or issue which is pending before the public official sitting in her/her quasi-judicial capacity. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action provided; however, that such written communication shall be made a part of the record before final action on the matter.

(3) Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit or expert opinion is made a part of the record before final action on the matter.

(4) Disclosure made pursuant to paragraphs (1), (2) and (3) must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex-parte communication are given a reasonable opportunity to refute or respond to the communication. This section does not subject local public officials to Part III of Chapter 112 for not complying with this subsection.

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 or 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. Specific authority is hereby granted to codify this Ordinance.

Section 6. That this Ordinance shall be in full force and effect immediately upon its final passage and adoption.

**PASSED and APPROVED** on first reading this 20th day of September, 1995.

**PASSED and ADOPTED** on second and final reading this 4th day of October, 1995.

**APPROVED:**

Clara K. Williams  
MAYOR

Robert Foster  
CHAIR

Marilyn B. Moffitt  
CHAIR PRO TEM

**ATTEST:**

Janet Lynn Williams  
CITY CLERK

Margaret Conroy

Elizabeth W. D.

Hyacinthia "Cynthia" Becton  
COUNCIL MEMBERS

ORDINANCE NO. 2688

MOTIONED BY: M. CONFREY

M. MOFFITT

SECONDED BY: C. BECTON

C. BECTON

**1st Reading**

**2nd & Final Reading**

E. WESTON AYE  
M. MOFFITT ABS  
C. BECTON AYE  
E. WADE AYE  
M. CONFREY AYE

AYE  
AYE  
AYE  
AYE  
AYE

{AD/dmb 9.13.95}

*C. Becton*  
19-15-95

AN 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 AMENDING THE LIST OF LAND USES PERMITTED IN CG - GENERAL COMMERCIAL ZONING DISTRICTS AND BY AMENDING THE LIST OF LAND USES PERMITTED IN OP - PROFESSIONAL OFFICE ZONING DISTRICTS; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, and Chapter 163, Part II, *Florida Statutes* (F.S.) allows the City to adopt land development regulations to govern all land uses within the City's corporate boundaries; and

WHEREAS, the City has adopted zoning regulations pursuant to Chapter 163, Part II, F.S.; and

WHEREAS, Section 166.041, F.S., provides procedures to amend the City's zoning regulations; and

WHEREAS, the City of Riviera Beach Planning and Zoning Board and City Council want to enhance the appearance and economic viability of the commercial and office areas in the City, especially along Blue Heron Boulevard, which is the main east-west gateway to the City; and

WHEREAS, legal notice and review procedures were followed in accordance with Section 166.041(3)(c)(2), F.S., which provides procedures for amendments to the City's zoning regulations 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' zoning regulations contained in this ordinance, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council reviewed the proposed amendments and recommendations of City staff and the Planning and Zoning Board at Public Hearings conducted in accordance with Section 166.041, F.S.

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

**Section 1.** Sections 31-321 and 31-322 of the CG - General Commercial zoning district are hereby amended as follows, whereby ~~strikeout~~ indicates text to be deleted and underlining indicates text to be added:

**Sec. 31-321. Purpose.**

The CG general commercial district is intended to promote uses developed for retail and service needs of the entire community. This district includes uses usually associated with central business areas and shopping facilities which are ordinarily compatible with residential uses and do not involve any heavy machinery which will cause vibrations to the adjoining properties, create or emit noise, dust, odor, or noxious or toxic gas.

**Sec. 31-322. Use regulations.**

(a) *Uses permitted.* The following uses are permitted in the CG general commercial district:

- (1) Any use permitted in the CN neighborhood commercial district, except that residential use shall not be permitted.
  - ~~(2) Any retail business or commercial use which does not involve any heavy machinery or other machinery which will cause vibrations to the adjoining properties, create or emit noise, dust, odor, or noxious or toxic gas.~~
  - (3) Personal service establishments, such as barbershops, beauty parlors, medical and dental clinics, restaurants, stores, banks, professional and other offices, funeral homes, parking garages and lots, laundry pickup stations, shoe repair, tailoring, watch and clock repair, and locksmith.
  - (4) Hospitals.
  - (5) Bus passenger terminal.
  - (6) Theaters and motion picture houses, except drive-in theaters.
  - (7) Advertising panels or signs.
  - (8) Private clubs.
  - (9) Coin-operated personal service establishments, conforming to subsection (a)(2) in this section.
  - (10) New car dealerships.
  - (11) Churches and their educational buildings.
  - ~~(12) Adult congregate living facility (ACLF): temporary conversion from existing hotel/motel structures within the Inlet Harbor Center overlay zoning district only. See subsection 31-523(e).~~
- (b) *Special exception.* The following uses may be permitted by special exception in the CG general commercial district:
- (1) Hotel/motel, in accordance with RMH-15 regulations.
  - (2) Commercial planned unit development, C-PUD.
  - (3) Inlet harbor center planned unit development, IHC-PUD, only within the boundaries of the inlet harbor center redevelopment agency.
  - (4) Drive-in restaurants.
  - (5) Filling stations.
  - (6) Auto malls.
  - (7) Car washes.
  - (8) Pawn shop.
  - (9) Gun shop.
  - (10) Substance abuse clinics.
  - (11) Shopping centers in excess of 20,000 square feet of building area.
  - (12) Adult congregate living facility (ACLF): Temporary conversion from existing hotel/motel structures within the Inlet Harbor Center Overlay zoning district only (see subsection 31-523(e)).
- (c) *Uses prohibited.* The following uses are prohibited in the CG general commercial district:

(1) Residential uses, except a part of a PUD development.

(2) Wholesale, industrial, warehousing and storage uses.

~~(3) Any use not listed as a permitted use or a special exception use is prohibited.~~

**Section 2.** Section 31-282(a), entitled "Uses Permitted," of the OP - Office Professional zoning district is hereby amended by adding:

(7) Temporary uses, if fronting on West Blue Heron Boulevard between Avenue "E" and Avenue "H" West (in accordance with Section 31-522(b)).

**Section 3.** It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, Florida, and the sections of this ordinance may be renumbered to accomplish such intentions.

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

**Section 5.** That all sections or parts of sections of the Code of 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 6.** This Ordinance shall be effective immediately upon adoption.

PASSED AND APPROVED on First Reading this 4 day of October, 1995.

PASSED AND ADOPTED on Second Reading this 18 day of October, 1995.

APPROVED:

Edmund K. Williams  
MAYOR

Edward Weston  
CHAIRPERSON

[MUNICIPAL SEAL]

Marilyn S. Moffitt  
CHAIRPERSON PRO TEM

ATTEST:

Joseph G. Davis  
CITY CLERK

Margaret Confrey  
Elizabeth Wade  
Hyacinthia "Cynthia" Becton  
COUNCILMEMBERS

1st Reading

2nd & Final Reading

MOTIONED BY: M. MOFFITT  
SECONDED BY: E. WADE

M. CONFREY  
C. BECTON

E. JORDAN-WESTON AYE  
M. MOFFITT AYE  
C. BECTON AYE  
E. WADE AYE  
M. CONFREY AYE

AYE  
AYE  
AYE  
AYE  
AYE

REVIEWED FOR LEGAL SUFFICIENCY

[Signature]  
CITY ATTORNEY  
CITY OF RIVIERA BEACH  
DATE: 10-26-95

September 22, 1995



APPROVED:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
CHAIR PRO TEM

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
COUNCIL MEMBERS

MOTIONED BY: C. BECTON

C. BECTON

SECONDED BY: E. WADE

E. WADE

**1st Reading**

**2nd & Final Reading**

|            |            |
|------------|------------|
| E. WESTON  | <u>AYE</u> |
| M. MOFFITT | <u>NAY</u> |
| C. BECTON  | <u>AYE</u> |
| E. WADE    | <u>AYE</u> |
| M. CONFREY | <u>NAY</u> |

|            |
|------------|
| <u>AYE</u> |
| <u>NAY</u> |
| <u>AYE</u> |
| <u>AYE</u> |
| <u>NAY</u> |

\_\_\_\_\_  
9/29/95

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 RELATING TO RATES OF PAY AND SALARY SCHEDULE CREATING THE POSITIONS OF UTILITIES ELECTRICIAN AND WATER/SEWER PLANT MECHANIC I UNDER CLASS TITLE UTILITIES 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 classified positions:

| CLASS TITLE | CLASSIFICATION               | PAY GRADE | SALARY        |
|-------------|------------------------------|-----------|---------------|
| Utilities   | Utilities Electrician        | G-29      | 23,211-36,325 |
|             | Water/Sewer Plant Mechanic I | G-26      | 20,163-31,507 |

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

PASSED AND APPROVED on first reading this 18th day of October, 1995.

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

APPROVED:

Clara K. Williams  
MAYOR

[Signature]  
CHAIRPERSON

ATTEST:

[Signature]  
CITY CLERK

[Signature]  
CHAIRPERSON PRO TEM

[Signature]  
[Signature]  
[Signature]  
COUNCIL MEMBERS

1st Reading

2nd Reading

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

E. WADE  
M. MOFFITT  
AYE  
AYE  
AYE  
AYE  
AYE

**REVIEWED FOR LEGAL SUFFICIENCY**  
[Signature]  
 CITY ATTORNEY  
 CITY OF RIVIERA BEACH  
 DATE: 10/12/95

ORDINANCE NO. 2692

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 BE AMENDED BY CREATING THE UNCLASSIFIED POSITION OF PUBLIC WORKS COORDINATOR UNDER CLASS TITLE PUBLIC WORKS SERVICE, THAT SEC. 2-118(b) OF THE CODE OF ORDINANCE BE AMENDED TO THE INCLUDE THE UNCLASSIFIED POSITION OF PUBLIC WORKS COORDINATOR, AND THAT TWO (2) UNCLASSIFIED POSITIONS OF PUBLIC WORKS COORDINATOR BE ADDED TO THE BUDGET OF PUBLIC WORKS AND THAT TWO (2) CLASSIFIED POSITIONS OF MAINTENANCE WORKER II BE DELETED FROM SAID BUDGET. THESE AMENDMENTS WILL HAVE NO ADVERSE AFFECT ON THE BUDGET.

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 creating the unclassified position of Public Works Coordinator as follows:

| CLASS TITLE  | CLASSIFICATION              | PAY RANGE | SALARY            |
|--------------|-----------------------------|-----------|-------------------|
| Public Works | Public Works<br>Coordinator | Adm. C    | 24,469-<br>32,099 |

**SECTION 2.** That Section 2-118 (b) of the Code of Ordinance be amended as follows:

(b) That the positions appointed by City Manager be amended as follows:

Public Works Coordinator

**SECTION 3.** That two (2) unclassified positions of Public Works Coordinator be added to Public Works Budget.

**SECTION 4.** That two (2) classified positions of Maintenance Worker II be deleted from the Public Works Budget.

**SECTION 5.** This Ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED AND APPROVED on first reading this 18th  
day of October, 1995.

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

APPROVED:

Oliver K. Williams  
MAYOR

Steve Jordan  
CHAIRPERSON

ATTEST:

[Signature]  
CITY CLERK

Marilyn S. Moffitt  
CHAIRPERSON PRO TEM

Margaret Confrey  
COUNCIL MEMBER

Elizabeth Wade  
COUNCIL MEMBER

Fluencethia "Cathie" Becton  
COUNCIL MEMBER

1st Reading

2nd Reading

Motioned by: C. BECTON  
Seconded by: E. WADE

C. BECTON  
E. WADE

E. Weston: AYE  
M. Confrey: NAY  
M. Moffitt: NAY  
E. Wade: AYE  
C. Becton: AYE

AYE  
NAY  
NAY  
AYE  
AYE

REVENUED FOR LEGAL EMERGENCY  
[Signature]  
CITY ATTORNEY  
CITY OF RAINIER BEACH  
DATE: 10-26-95

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 INCREASING THE DIVISION OF CODE ENFORCEMENT BUDGET BY ADDING ONE (1) CODE INSPECTOR I THERETO.

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 increasing the Division of Code Enforcement Budget by adding one classified position of Code Inspector I thereto.

**Section 2.** This Ordinance shall take effect as provided by law.

PASSED AND APPROVED on first reading this 18th day of October, 1995.

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

APPROVED:

Clara K. Williams  
MAYOR

William S. Moffitt  
CHAIRPERSON

ATTEST:  
Dorinda G. Davis  
CITY CLERK

William S. Moffitt  
CHAIRPERSON PRO TEM

Margaret Confrey  
Elizabeth Becton  
Hyacinthia Cynthia Becton  
COUNCIL MEMBERS

1st Reading

2nd Reading

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

C. BECTON  
E. WADE

E. Weston AYE  
M. Moffitt AYE  
M. Confrey AYE  
C. Becton AYE  
E. Wade AYE

AYE  
AYE  
AYE  
AYE

REVIEWED FOR LEGAL SUFFICIENCY

[Signature]  
CITY ATTORNEY  
CITY OF RIVIERA BEACH  
10/26/95

**CITY OF RIVIERA BEACH  
PUBLIC WORKS COORDINATOR**

**MAJOR FUNCTION**

This is specialized work coordinating projects and performing in the Public Works Department, not covered by normal day-to-day department functions. A person in this position responds to emergency situations and coordinates, plans and performs special projects and by assisting the superintendent in responding to complaints.

**ILLUSTRATIVE DUTIES**

Plans, organizes, implements and performs the duties for such activities as sidewalk repair, lot clearing, building maintenance and repair, disposal of dead animals, canal maintenance and street repairs, Performs any related work as required by the Superintendent of Public Works.

**DESIRABLE QUALIFICATIONS**

**KNOWLEDGE, SKILLS, AND ABILITIES**

General knowledge of building and street maintenance and repair. Good knowledge of Public Works principles. Must be able to respond and handle emergency situations. Ability to deal with the public.

**TRAINING AND EXPERIENCE**

High School graduate, supplemented by some training in carpentry, painting or general repairs. Some experience in public works functions; or any equivalent combination of training and experience. Possession of valid of Class B CDL.

**REVISED 11-15-95**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DELETING SECTIONS 7-21(1) OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCE IN ITS ENTIRETY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article II of Chapter 7 of the City Code provides that all refuse accumulated in the City shall be collected, conveyed and disposed of by the City or its designated agents or contract representatives; and

WHEREAS, the City of Riviera Beach entered into an agreement with Waste Management of Florida, Inc., designating Waste Management, Inc., as its contract representative and the agent for the collection, conveyance, and disposal of all garbage accumulated within the City; and

WHEREAS, Section 7-21(1) impairs certain terms and condition of that agreement which provides that Waste Management shall collect, convey and dispose of all refuse generated in the City,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, as follows:

**SECTION 1.** Section 7-21(1) of the City of Riviera Beach Code of Ordinance shall be deleted in its entirety.

**Section 2.** That the current subsection (2) and (3) of Section 7-21 shall be renumbered subsection (1) and (2).

**SECTION 3.** It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this ordinance may be renumbered to accomplish such intentions.

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

**SECTION 5.** That all sections or parts of sections of the Code or 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 6.** Specific authority is hereby granted to codify this Ordinance.

**SECTION 7.** That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED AND ADOPTED on first reading this 18th day of October, 1995.

PASSED AND ADOPTED on second and final reading this November 1, 1995.

APPROVED:

Mark K. Williams Mayor  
Richard J. ... Chair

[Attest]

Dorothy ...  
 City Clerk

Marilyn S. Moffitt  
Margaret Confrey  
Harriette "Ciddie" Becton  
Elizabeth Wade

|              |                   |                   |
|--------------|-------------------|-------------------|
| MOTIONED BY: | <u>M. CONFREY</u> | <u>M. MOFFITT</u> |
| SECONDED BY: | <u>C. BECTON</u>  | <u>F. WADE</u>    |
| E. Weston    | <u>AYE</u>        | <u>AYE</u>        |
| M. Moffitt   | <u>AYE</u>        | <u>AYE</u>        |
| E. Wade      | <u>AYE</u>        | <u>AYE</u>        |
| M. Confrey   | <u>AYE</u>        | <u>AYE</u>        |
| C. Becton    | <u>AYE</u>        | <u>AYE</u>        |

RECORDED  
 INDEXED  
 OCT 18 1895

ORDINANCE NO. 2696

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 OF RIVIERA BEACH RELATING TO RATES OF PAY AND SALARY SCHEDULE CREATING THE POSITION OF LEAD OPERATOR AND DELETING THE CLASSIFIED POSITION LABORATORY TECHNICIAN ~~AND~~ UNDER CLASS TITLE UTILITIES 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 classified position:

| <u>CLASS TITLE</u> | <u>CLASSIFICATION</u> | <u>PAY GRADE</u> | <u>SALARY</u>   |
|--------------------|-----------------------|------------------|-----------------|
| Utilities          | Lead Operator         | G-30             | \$24,330-38,096 |

**SECTION 2.** 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 deleting the classified position:

| <u>CLASS TITLE</u> | <u>CLASSIFICATION</u> | <u>PAY GRADE</u> | <u>SALARY</u>   |
|--------------------|-----------------------|------------------|-----------------|
| Utilities          | Laboratory Technician | G-28             | \$22,143-34,636 |

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

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

PASSED AND APPROVED on second and final reading this 15th day of November, 1995.

APPROVED: [Signature]  
MAYOR

[Signature]  
CHAIRPERSON

ATTEST: [Signature]  
CITY CLERK

[Signature]  
CHAIRPERSON PRO TEM  
[Signature]  
[Signature]  
[Signature]  
COUNCIL MEMBERS

First Reading

Second Reading

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

C. BECTON  
M. MOFFITT  
AYE  
AYE  
AYE  
AYE

REVIEWED FOR LEGAL SUFFICIENCY  
AYE

CITY ATTORNEY  
CITY OF RIVIERA BEACH  
[Signature] 10/25/95

**AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 2 ARTICLE III DIVISION 7, RIVIERA BEACH DRUG COALITION ADVISORY BOARD; CREATING A RIVIERA BEACH DRUG COALITION ADVISORY BOARD; PROVIDING DEFINITIONS; DECLARING CITY COUNCIL'S SUPPORT; ESTABLISHING PROCEDURES FOR FUNCTION, ORGANIZATION, APPOINTMENT, MEMBERSHIP, CONDUCT OF MEETINGS AND INTENT, PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSE.**

**WHEREAS**, the City Council of the City of Riviera Beach finds that a commitment should be made by city officials for both a safer community and a renewed spirit of community service, relating to the prevention of crime, community decline, substance usage, abuse and sales; and

**WHEREAS**, the City Council further finds that the city can help create meaningful change that builds community strength while making the community safe through job opportunities, economic development and educational programs; and

**WHEREAS**, the City Council further finds that a Drug Coalition Advisory Board would increase the number of agencies and individuals who would explore means of contributing to efforts of creating vibrant, drug free neighborhoods and communities.

**NOW, THEREFORE**, be it ordained by the City Council of Riviera Beach, Palm Beach County, Florida as follows:

**Section I**

The City of Riviera Beach Code of Ordinances is hereby amended by creating Sec.2, Article 161, chapter 2 as follows:

**Sec. 2-161**, Creating Drug Coalition Advisory Board

Drug Coalition Advisory Board - The City Council of the City of Riviera Beach hereby creates the City of Riviera Beach Drug Coalition Advisory Board

**Sec. 2-162**, Intent and Purpose

- (1). It is the intent of this Ordinance to establish the Drug Coalition Advisory Board of the City of Riviera Beach in order to promote and improve the health, safety and welfare of the citizens of the City of Riviera Beach.

**Sec. 2-163**, Organizational Structure

- (1). A seven member Advisory Board shall be appointed to provide direct oversight and to manage the overall mission, goals, and objectives of the coalition.
- (2). The Chairperson of the Advisory Board shall report recommendations and suggestions to the City Council.
- (3). A Sub Committee Task Force shall be appointed from the following identified priority categories:
  - a. Human Services
  - b. Youth and Activities
  - c. Law Enforcement
  - d. Health/Substance Abuse
  - e. Resident/Community

- f. Grant and AID/Economic Development
- g. Education/Employment

- (4). The Chairperson of each Task Force shall report all findings and recommendations to the Advisory Board.
- (5). The purpose of each Task Force shall be to develop strategic plans to improve for economic/educational/employment, development and for community improvements.

**Sec. 2-164, Definitions**

- (1). **"Secretary"** Shall mean the person appointed to perform the clerical and administrative duties and such duties as provided herein necessary to carry out the activities of the Drug Coalition Advisory Board.
- (2). **"Council"** Shall mean the Riviera Beach City Council.
- (3). **"Board"** Shall mean the Riviera Beach Drug Coalition Advisory Board.
- (4). **"Manager"** Shall mean the City of Riviera Beach City Manager.
- (5). **"Staff"** Shall mean the staff of the Riviera Beach Civil Drug Court on any employee designated by the City Manager.
- (6). **"Sub Committee"** Shall mean that body of individuals assigned specialty tasks by the Advisory Board.

**Sec. 2-165, Jurisdiction**

The Drug Coalition Advisory Board shall have jurisdiction throughout the incorporated area of the City of Riviera Beach.

**Sec. 2-166, Organization Function**

- (1). The Council shall sit as the Riviera Beach Drug Coalition Governing Board. The Advisory Board shall make recommendations to the City Manager who shall provide these recommendations to the City Council.
- (2). The Council or City Manager will assign administrative assistance as may be reasonably required by the Board for proper performance of its duties.

**Sec. 2-167, Procedures for Membership**

- (1). Drug Coalition Advisory Board membership shall be by appointment from the City Council.
- (2). Nominations shall be submitted in writing with name, address and qualifications of nominee to Board Chairperson for review and recommendation to the City Council

**Sec. 2-168, Conduct of Meetings**

- (1). *A regular meeting of the coalition shall be held bi-monthly unless modified by vote of the members of the Advisory Board.*
- (2). *A special meeting of the coalition may be held when called by the Chair of the Advisory Board or the Sub Committee.*
- (3). *The place of regular meetings shall be in the municipality of Riviera Beach. A written or telephone notice stating the time, place and day shall be proper notice.*
- (4). *The Chair of each committee shall be a member of the Bylaws Committee.*

**Section II**

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

**Section III**

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

**Section IV**

*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, and the same are hereby repealed to extent of such conflict.*

**Section V**

*Specific authority is hereby granted to codify this ordinance.*

**Section VI**

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

**PASSED and APPROVED** on first reading this 15th day of November 1995

**PASSED AND ADOPTED** on second and final reading this 6TH day of DECEMBER, 1995

**APPROVED:**

*Anna K. Williams*  
MAYOR

*William A. Weston*  
CHAIRPERSON

{Municipal Seal}

**ATTEST:**

*Janet P. Lewis*  
CITY CLERK

*Marilyn S. Moffitt*  
CHAIR PRO-TEM

*Elizabeth Wade*

*Margaret Conroy*

*Hyacintha "Cinthia" Becton*

COUNCILMEMBERS

1st Reading

2nd & Final Reading

MOTIONED BY: C. BECTON

M. MOFFITT

SECONDED BY: M. MOFFITT

E. WADE

E. WESTON AYE  
M. MOFFITT AYE  
C. BECTON AYE  
M. CONFREY AYE  
E. WADE AYE

AYE  
AYE  
AYE  
AYE  
AYE

REVIEWED FOR LEGAL SUFFICIENCY

*C. R. [Signature]*  
CITY ATTORNEY

CITY OF RIVIERA BEACH

DATE: 11/16/95

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 ORDINANCE OF RIVIERA BEACH RELATING TO RATES OF PAY AND SALARY SCHEDULE CREATING THE UNCLASSIFIED POSITION OF ADMINISTRATIVE ASSISTANT TO THE CITY MANAGER 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 unclassified position of:

| CLASS TITLE    | CLASSIFICATION                       | PAY GRADE | SALARY          |
|----------------|--------------------------------------|-----------|-----------------|
| ADMIN. GENERAL | ADMIN. ASSISTANT TO THE CITY MANAGER | Adm.C     | \$24,689-32,099 |

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

PASSED AND APPROVED on first reading this 21st day of February, 1996.

PASSED AND ADOPTED on second and final reading this 6 day of March, 1996.

APPROVED:

Clara F. Williams  
MAYOR

Charles J. Williams  
CHAIRPERSON

William S. Clapp  
CHAIRPERSON PRO TEM

ATTEST:

Carrie E. Hard  
CITY CLERK

Hyacinthia "Cynthia" Becton

Margaret Conroy

Elizabeth Ward  
COUNCIL MEMBERS

REVIEWED FOR LEGAL SUFFICIENCY

Charles J. Williams  
CITY ATTORNEY

CITY OF RIVIERA BEACH

DATE: 2-16-96

1st Reading

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

2nd Reading

C. BECTON  
E. WADE  
AYE  
AYE  
AYE  
AYE  
AYE

ORDINANCE NO. 2699

**AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA REPEALING CHAPTER 7 "GARBAGE AND REFUSE" AND CREATING A NEW CHAPTER 7 ENTITLED "SOLID WASTE MANAGEMENT". THIS ORDINANCE SETS FORTH THE PROVISIONS FOR COLLECTION AND DISPOSAL OF SOLID WASTE BY PRIVATE SERVICES FOR THE CITY OF RIVIERA BEACH AND THE CONTRACTING WITH PRIVATE PERSONS FOR ANY AND ALL SERVICES OR PROGRAMS TO ASSURE THAT SUCH SERVICES ARE PROVIDED ON THE MOST COST EFFECTIVE BASIS. PROVIDING FOR REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, municipalities are responsible for collecting and transporting solid waste from their jurisdiction to a solid waste disposal facility operated by a county or operated under contract with a county; and

**WHEREAS**, municipalities are mandated to use the most cost effective means for provision of services and are encouraged to contract with private persons for any or all such services or programs in order to assure that such services are provided on the most cost effective basis; and

**WHEREAS**, the City of Riviera Beach has contracted with private persons for solid waste, recycling and yard trash collection and transportation to a solid waste disposal facility.

**NOW, THEREFORE**, be it ordained by the City Council of Riviera Beach, Palm Beach County as follows:

**Section 1**

Chapter 7 of the *City of Riviera Beach Code of Ordinances* be repealed in its entirety and replaced with a new chapter 7 as follows:

**Article I - In General**

**Section 7-1 - Title**

This chapter shall be titled "Solid Waste Management."

**Section 7-2 - Municipal Responsibility**

The City of Riviera Beach is responsible for collection and transportation of solid waste from the City to a solid waste facility operated by a county or operated under a contract with a county pursuant to Section 403.706 F.S., "Local Government Solid Waste responsibilities."

### Section 7-3 - Use of Private Services in Solid Waste Management

The City of Riviera Beach shall use the most cost effective means for provision of solid waste services. The City may contract with private persons for any or all services or programs in order to assure that such services are provided on the most cost effective basis pursuant to Section 403.706(3) F.S. These contracts for private services for collection and disposal of solid waste will be on file with the City Clerk's Office of the City of Riviera Beach for public records review.

### Section 7-4 - Solid Waste Collection Requirements

The City of Riviera Beach will provide for solid waste collection and disposal requirements which may be stricter or more extensive than those imposed by state solid waste management programs, rules, regulations and orders pursuant to Section 403.706(14) F.S., "Local Government Solid Waste Responsibilities".

### Section 7-5 - Definitions

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

- (1) **"Accumulations"** means the collection, piling, heaping and storage of waste, garbage, trash or other material that may create a nuisance affecting the health, safety and welfare of the community.
- (2) **"Biological Waste"** means solid waste that causes or has the capability of causing disease or infection and includes, but not limited to, biomedical waste, diseased or dead animals, and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under Chapter 470 F.S., "Funeral Directing, Embalming and direct disposition".
- (3) **"Biomedical Waste"** means any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary waste which contain human disease causing agents; discarded disposable sharps; human blood and human blood products and body fluids and other materials which in the opinion of the Florida Department of Health represent a significant risk of infection to persons outside the generating facility. The term does not include human remains that are disposed of by persons licensed under Chapter 470 F.S., "Funeral Directing, Embalming and direct disposition".
- (4) **"Bulk Trash"** means any non-vegetative item which cannot be containerized, bagged, or bundled; including, but not limited to, inoperative and discarded white goods, furniture, and similar domestic goods.
- (5) **"City"** means the City of Riviera Beach.
- (6) **"Clean Debris"** means any solid waste which is virtually inert and which is not a pollution threat to ground water or surface waters and is not a fire hazard and which is likely to retain its physical and chemical structure

under expected conditions of disposal or use. The term includes uncontaminated concrete, including embedded pipe or steel, brick, glass, ceramic and other wastes designated by the Department of Environmental Protection of the State of Florida.

- (7) **"Collection Specifications"** means those items which are outlined in the normal and uniform level of service of the solid waste contract or as noted in this chapter.
- (8) **"Commercial Service"** means the service provided to business establishments, churches, schools, office buildings, hotels and other non-residential establishments using either mechanical containers or other approved containers.
- (9) **"Commercial Waste"** means any and all accumulations of paper, rags, excelsior or other packing materials, wood, paper, cardboard boxes or containers, sweepings and other accumulation not included under the definition of garbage, generated by the operation of stores, offices and other business places. Commercial trash will include furniture, appliances and all other accumulations not included within the definition of garbage, and shall be included in the uniform level of service if properly prepared, consistent with the contract for Solid Waste Collection and this chapter.
- (10) **"Compactor"** means any container which has compaction mechanism(s), whether stationary or mobile, all inclusive.
- (11) **"Construction and Demolition Debris"** means materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum, wall board and lumber from the construction or demolition project, and including rocks, soils, tree remains, trees and other vegetative matter which normally results from land clearing or land development operations for a structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or demolition site, which is not from actual construction or destruction of a structure, will cause it to be classified as other than construction and demolition debris.
- (12) **"Container"** means a thing that contains and holds solid waste or recovered materials for collection such as carts, dumpsters, bins, boxes, crates and cans or a cart or dumpster designed or intended to be mechanically dumped or loaded.
- (13) **"Contractor"** means the contractor for the City who has a current solid waste, recycling and yard waste collection franchise or service agreement with the City of Riviera Beach.
- (14) **"Curbside"** means the designated physical location for the placement of solid waste accumulations and containers intended for residential service collection and disposal. This designated location shall be as near as

possible to the traveled streets or alley within six(6) feet of the curb or right-of-way.

- (15) **"Disposal"** means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or upon any land or water so that such solid waste or hazardous waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including ground water or otherwise enter the environment.
- (16) **"Dumpster"** means a detachable container used for commercial service and designed or intended to be mechanically dumped into a loader/packer type truck used by the Contractor. Dumpster sizes shall range from two cubic yards to ten cubic yards.
- (17) **"Garbage"** means all putrescible waste which generally includes but is not limited to kitchen and table food waste, or any organic waste that is attendant with or results from the storage, preparation, cooking, or handling of food materials whether attributed to residential or commercial activities. All garbage shall be containerized and not commingled with yard waste. Garbage shall not include any material that falls within the definition of special waste.
- (18) **"Garbage Container"** means the City issued heavy gauge plastic carts, which are designed for automated pick-up.
- (19) **"Generation"** mean the act or process of producing solid or hazardous waste.
- (20) **"Hauler"** means any person collecting recyclable or other solid waste materials within the incorporated areas of the City of Riviera Beach or transporting solid waste materials collected within the incorporated areas of the City.
- (21) **"Hazardous Substance"** means any substance which is defined as a hazardous substance in the United States Comprehensive Environmental Response, Compensation and Liability Act of 1980, 94 stat. 2767.
- (22) **"Household Trash"** means accumulations of paper, magazines packaging, containers, sweepings and all other accumulations of a nature, other than garbage or lawn trash, which are usual to housekeeping and to the operations of stores, offices and other business places.
- (23) **"Land Disposal"** means any placement of any solid or hazardous waste in or on the land and includes, but is not limited to, placement in an landfill, surface impoundment, waste pile, injection well, land treatment facility, salt bed formation, salt dome formation, or underground mine or cave or placement in a concrete vault, or bunker intended for disposal purposes.
- (24) **"Mechanical Container"** means any detachable metal container or other container designed of intended to be mechanically dumped into a loader or packer type Solid Waste Collection Vehicle.
- (25) **"Person"** means any and all persons, natural or artificial, including any individual, firm, or association, any municipal or private corporations

organized or existing under the laws of the State of Florida or any other state, any county of the State of Florida; and any governmental agency of the State of Florida or the United States Government.

- (26) **"Recovered Material"** means metals, paper, glass, plastic, textile or rubber material that have known recycling potential, which can be feasibly recycled and have been diverted and source separated or have been removed from the solid waste stream for sale, use or reuse as raw materials, whether or not the materials require subsequent processing or separating from each other; but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.
- (27) **"Recyclable Material"** means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.
- (28) **"Refuse"** means both garbage and trash or a combination or mixture of garbage and trash, excluding recyclable materials.
- (29) **"Residential Service"** means and includes service to single family residences, duplexes, triplexes, apartments, mobile home units, multiunits and condominiums; which shall be charged per living unit the designated per collection fee for residential services.
- (30) **"Sludge"** includes the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including waste water treatment, water supply treatment, or operation of an air pollution control facility and mixed liquids and solids pumped from septic tanks, grease traps, privies or similar waste disposal appurtenances.
- (31) **"Solid Waste"** means sludge unregulated under the Federal Clean Water Act or Clean Air Act, sludge from waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from domestic, industrial, commercial mining, agricultural or governmental operations. Recovered materials as defined in Section 7-5(26), are not solid waste.
- (32) **"Solid Waste Disposal Facility"** means any Solid Waste Management Facility which is the final resting place for solid waste, including landfill and incineration facilities that produce ash from the process of incinerating municipal solid waste.
- (33) **"Solid Waste Management"** means the process by which solid waste is collected, transported, stored, separated, processed or disposed of in any other way, according to an orderly, purposeful and planned program which includes closure and long term maintenance.
- (34) **"Source Separated"** means the recovered materials are separated from solid waste where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other and recognizes that minimis solid waste, in

accordance with industry standards and practices, may be included in recovered materials.

- (35) **"Special Trash Pickup"** means any collection or disposal service provided which exceeds the uniform level of service provided under the commercial or residential service systems and for which a special charge is applied.
- (36) **"Special Wastes"** means solid wastes that can require special handling and management, including but not limited to, white goods, waste tires, used oil, lead acid batteries, construction and demolition debris, ash residue, yard trash and biological waste.
- (37) **"Trash"** means all accumulation of paper, glass, metal, excelsior, rags, wooden or paper boxes and containers, sweepings, broken toys, tools, utensils, and all other accumulations of a similar nature other than garbage, which are usual to residential housekeeping and to the operation of stores, offices and other business places, but shall not include yard waste. Trash shall be containerized.
- (38) **"Uniform Level of Service"** means any and all collection of garbage and trash, whether commercial or residential, which conforms to the preparation and storage requirements set by the City or its contractors' service agreement.
- (39) **"White Goods"** includes inoperative and discarded refrigerators, ranges, water heaters, freezers and other similar domestic and commercial large appliances.
- (40) **"Yard Waste"** means horticultural matter resulting from site specific landscape maintenance, including accumulation of lawn grass, shrubbery cuttings, or clippings and leaf rakings, palm fronds, tree branches which shall not exceed five feet in length and not weigh more than 50 pounds, or other matter usually created in the care of lawns and yards.

Section -7-6- Collection by City.

All solid waste, recovered materials and recyclable materials accumulated and generated in the City and placed out for collection, shall be collected, conveyed and disposed of by the City or its designated agents, licensees, employees or contract representatives. No other person or entity shall collect, convey over any of the streets or alleys of the City, or dispose of any refuse accumulated in the City.

- (1). Collections by other than the City or its authorized agents or contractors is a violation of this code. The first offense will result in a written warning. The second violation shall result in a \$250.00 fine for each incident and each day. The third and any subsequent violation shall constitute a penalty of \$500.00 for each violation. Each incident and/or each day shall constitute a separate and new violation.
- (2). Collections by other than the City is unauthorized; exemptions:
  - A. This Chapter shall not be interpreted to prohibit collectors of trash and garbage from outside the City, from hauling such refuse over

the City streets, provided such collectors comply with the provisions of this chapter and with any other governing laws or ordinances of the City, Palm Beach County or the State of Florida.

- B. This Chapter shall not be interpreted to prevent businesses or individuals to properly dispose of recyclable or recovered materials generated by them for sale or disposal. Licensed and permitted vendors may pickup recyclable or recovered materials from businesses or individuals where generated.
- C. Refer to Article II, Hauler Requirements.
- D. Special wastes not collected by City to be handled by properly equipped, licensed and permitted haulers and handlers. Refer to Section 7-14, "Special Waste Collection and Disposal".

#### Section 7-7 - Collection

Collection supervised by the City Manager or his designated representative or agent.

- (1). All solid waste and recovered materials accumulated in the City for collection, conveyance and disposal shall be under the supervision of the City Manager or his designated agent, who shall have the authority to make regulations concerning the days of collections, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as necessary or as may be required by contract approved by the City Council within the provisions of this chapter and pursuant to Section 403.706 Florida Statutes, "Local Government Solid Waste Responsibilities".

#### Section 7-8 - Points of Collection

- (1). Residential service:  
Trash and garbage will be collected at curbside, in front of property being serviced. Trash shall be within a distance of 6 ft from curbside. All residential garbage containers shall be at curbside accessible to the automated pickup equipment.
- (2). Commercial Service:  
Businesses, establishments, entities and persons receiving commercial service from the City shall have commercial waste picked up at locations designated by the City. Mechanical containers shall not be placed in a location different than that designated by City or approved site development plans. Mechanical containers shall not be in an area that would create a nuisance or in an area creating a pedestrian or vehicular traffic safety hazard.
- (3). Collection at Illegal Location:
  - A. Residential trash and garbage placed out for collection at locations other than on the property from which it is generated, is declared a violation of this chapter and considered illegal dumping.
  - B. Community trash piles and accumulations are prohibited.

- C. Placing residential trash on vacant lots, City properties, public land, streets, sidewalks, right-of-ways, easements or property owned by other persons is prohibited.
- D. Residential trash or garbage illegally deposited, placed or dumped shall result in a special pickup in accordance with Section 7-18 Special Pickup Procedure.
- E. Residential trash shall not be placed within 6ft of any water meter, utility measuring device or fire hydrant.
- F. Residential trash shall not be placed under any utility overhead wires or next to any fence, structure or vehicle which would prohibit collection equipment from safely operating, in the collection of trash.
- G. Residential trash shall not be placed in the roadway or traveled portion of any street, road or right-of-way creating a traffic safety hazard or restricting vehicular or pedestrian traffic in any way.
- H. All Commercial waste shall be placed in provided commercial containers for collection. All other commercial collection shall be by special pickups. Any commercial waste placed at illegal locations shall be governed pursuant to Chapter 403-Florida Statutes, Florida Litter Law.

Section 7-9 - Frequency of Collection.

- (1). Residential Collection:
  - A Residential garbage will be collected twice(2) a week.
  - B. Bulk trash and yard waste will be collected once(1) a week.
- (2). Commercial Collection:
  - A. Commercial service will be a minimum of once(1) a week with the option for more scheduled pickups as agreed on contracted service and service fee schedule.
- (3). Roll off and other special service containers shall be removed and emptied immediately after the container is full.
- (4). Food service establishments and other businesses generating garbage or other perishable refuse or material shall have a minimum of twice(2) a week collection, for health and sanitation.
- (5). The City shall have the authority to require and schedule the number and frequency of all solid waste material or substance collection and disposal within the corporate limits of the City of Riviera Beach, in order to maintain Health and Sanitation Standards in the City pursuant to Section 403.706 F.S., "Local Government Solid Waste responsibilities".

Section 7-10 - Responsibility of Property Owners and Persons In Possession of Real Properties

- (1). The owner(s) and occupants of the property being serviced shall be jointly and severally responsible for payment of fees, fines, charges and

penalties incident to the collection of residential trash and garbage from such property and compliance with provisions of this chapter.

- (2). Each head of household, lessee, owner, manager occupant or agent of any dwelling unit, apartment, house, boarding house, motel, warehouse, factory, store, other building or premises shall:
- A. Provide for on site management of trash and garbage to comply with the requirement of this chapter. Non-compliance of this subsection will generate the special pickup process and penalty, after notice.
  - B. Not place any trash out earlier than twenty-four(24) hours prior to 6:00 a.m. of the day for the designated, and scheduled collection of each location in the City.
  - C. Place all garbage containers for residential service, including carts and recycling bins, out no earlier than twelve(12) hours prior to 6:00 a.m. of the scheduled day of collection. The containers shall be removed from curbside and returned to a point at the side or rear of the residence, not later than 12:01 a.m. (midnight) of the day of collection. Any container not removed will be tagged by the City with a twenty-four(24) hour warning. Failure to remove container after twenty-four(24) hours will result in a \$25.00 charge being placed on the customers Utility Bill for each violation. Each incident and twenty-four(24) hour period that the container is not removed or out of schedule shall be considered a separate incident and offense which shall result in an additional \$25.00 per offense. The charge being placed on the utility bill.
  - D. Separate trash as required by laws and regulations:
    - 1. Yard waste not mixed with other trash, with clippings being bagged.
    - 2. Place recyclables as designated in provided bins and containers.
    - 3. Like bulk items placed in same stacks with separation of white goods from other bulk items.
    - 4. Loose small items such as, leaves, lawn clippings and other litter shall be bagged and shall not be mixed with bulk trash.
    - 5. Garbage shall not be mixed with bulk trash and shall be containerized for twice(2) a week collection.
    - 6. Exemptions:
      - A: Commercial accounts do not have bulk trash collection and shall place all solid waste in mechanical containers for collection.
  - E. Follow the preparation of commercial waste and garbage as follows:
    - 1. All garbage shall be bagged prior to placing in designated containers by commercial users.
    - 2. All liquids will be drained from bottles, cans or cartons.

3. Tree trimmings, hedge clippings or similar material shall not exceed five(5) feet in length nor be greater than fifty(50) pounds per piece.
- F. Provide for container use and care as follows:
1. Keep containers clean and sanitary.
  2. Property owner responsible for each issued container, cart or bin.
  3. Report theft of any container, cart or bin to City police within twenty-four(24) hours of loss.
  4. Report any damaged containers to City or its contractor.

#### Section 7-11 - Accumulations Prohibited

- (1). It shall be unlawful for any person to permit or allow any solid waste material such as debris, trash, rubbish, materials, items or substances to accumulate or remain upon any property located in the City, when the accumulations are deemed a nuisance by the City, constituting a hazard to the health, safety and welfare of the inhabitants of the City.
  - A. Storage of any solid waste or recyclable accumulations must be under cover and out of view of public. Yard trash need not be covered.
  - B. Commercial storage of solid waste is permitted only in accordance with zoning regulations.
  - C. Commercial establishments may store recyclables used in the conduct of their businesses provided the items are screened from public view and comply with fire safety codes. Storage of such accumulations shall not result in ground pollution.
- (2). It is the property owner's responsibility to clean the swale area in front of their property, as well as the sidewalk. The property owner is also responsible for cleaning one half( $\frac{1}{2}$ ) of any City easement, alley way, or right-of-way adjoining and next to the boundaries of their property.

#### Section 7-12 - Burial of Trash, Garbage Prohibited; Accumulations and Storage

No person shall deposit on or bury in, cause to be deposited on or buried in any land, public square, street, alley, vacant lot, unoccupied property or dump in the ocean, the waters of Lake Worth or any creek, canal or water course any noxious, filthy, malodorous or offensive liquid or solid material, garbage or trash. No person shall place or keep such materials, garbage or trash anywhere within the City in any vessel, vehicle or receptacle other than in standard, approved garbage or trash container from which regular collections are to be made. All containers used for storage and collection of trash and garbage shall be approved by the City Manager or the City's designated agent or contractor.

#### Section 7-13 - Joint Accumulations Prohibited

- (1). The independent or unconnected combining of residential trash and garbage from living units or other sources for the purpose of circumventing provisions of this chapter shall be prohibited. Neighbors shall not combine trash to avoid payment of the service charges.
- (2). Commercial containers are for the collection of solid waste from the site where located. Placing waste in dumpsters from locations other than where the waste is generated is prohibited. Any person found to have placed waste in another person's container is subject to a fine of \$100.00 for first offense and up to \$500.00 for each offense thereafter. Each incident being a separate and new offense.

Section 7-14 - Special Wastes Collection and Disposal: Not Included In Uniform Level of Service

- (1). The following list of special waste requires special handling and management and shall not be placed out for regular collection:
  - A. Biomedical Waste
  - B. Biological Waste
  - C. Hazardous Waste
  - D. Construction and Demolition Debris
  - E. Flammable or Explosive Refuse
  - F. Waste Tires, Used Oil, Lead Acid Batteries, Ash Residue
  - G. Automobile or vehicle parts
- (2). It shall be the joint responsibility of owner, occupant and agent to legally dispose of special waste as provided in Chapter 403 Florida Statutes by contracting the services of special state registered and licensed contractors for transporting and disposing special waste from site where generated or from property where located.

Section 7-15 - Commercial Contractors, Building Contractors, Demolition Contractors, Tree Trimmers, Landscape Maintenance and Gardeners Responsibility and Requirements:

- (1). Landscapers and yard maintenance service:
  - A. It shall be unlawful for any person to disturb or to scatter or spread about or cause to be distributed any amount of matter such as lawn clippings, leaves, debris and trash resulting from ordinary trimming care and upkeep of lawns, yards, tree shrub and hedges.
- (2). Any construction, demolition, or remodeling permit will require obtaining the service of a roll off container and / or special pickup from the City or its contractor. The removal and disposal of construction or demolition debris and materials shall be the condition of any permit for construction, demolition or remodeling as set forth by the Building Official. Demolition contractors may haul their debris directly to a legal dump site, approved by the State of Florida after obtaining a permit from the City.
- (3). Land clearing debris will be disposed of separate from the uniform level service requiring contractor removal or special pickup and handling.

- (4). Each apartment, boarding house, single family, duplex or triplex is limited to one major house clearing of household trash and furniture once each year. Putting out whole house quantities of furniture is limited to one each year under uniform level of service. The second and subsequent clearing out of units will result in a special pickup for the trash with five(5) yard minimum charge.
- (5). Tree trimmers and professional yard maintenance responsibility: Professional tree trimmers shall be responsible for removal of the debris generated from their jobs and may not leave any piles of yard waste to be collected by the City's uniform level of service. Any landscaping company, yard maintenance company or tree trimming service will be charged a special pickup fee plus administrative fee for the removal of any waste left for City pickup at any location in the City. This does not prevent any property owner from contracting lawn service and placing vegetation out for that property at the designated time.
- (6). It is prohibited to place, scatter, spread, blow or cause to be deposited any litter, leaves, clippings or vegetation of any kind on city streets and right-of-ways.

#### Section 7-16 - Recovered Materials or Recycling Dealers

- (1). Any recovered material dealer desiring to operate in the City shall register and obtain written approval to operate in the City prior to conducting any business.
- (2). Recovered materials dealers shall be licensed and approved for each location in the City. Each collection container location shall be a licensed location requiring an occupational license fee for first location and an additional license fee for the second and subsequent location of collection pursuant to Chapter 10, "Licenses".
- (3). Any recovered materials dealer operating in the City without prior approval and licensing shall pay a fine of \$250.00 for first violation and \$500.00 fine for subsequent violations.
- (4). Any containers illegally placed in the City to collect recovered material or solid waste will be moved to a place of storage. After written warning, the owner shall pay any storage, transportation, disposal and handling fees to recover the moved container.

#### Section 7-17 - Trash Fires Prohibited

- (1). It shall be unlawful for any person to kindle or maintain any bonfire or outdoor rubbish fire or burn refuse, waste, trash or yard waste without obtaining a permit from:
  - A. Fire Department; or
  - B. Department of Environmental Protection

Section 7-18 - Special Pickup Procedure

- (1). Special pickup notices shall be issued to property owners, agent, tenants or adult occupants of a premises for:
  - A. Trash out off schedule
  - B. Trash mixed
  - C. Special Waste
  - D. Trash hazard in street or right -of- way
  - E. Trash improperly prepared
  - F. Trash placed on another person's property
  - G. Other code violations involving any type solid waste or litter materials
  - H. Health, safety and welfare concerns involving accumulations
  - I. Automobile and other vehicle parts or marine components
  - j. Paints, batteries, oil or propane cylinders
  - K. Land clearing, construction debris
- (2). Notice requirements
  - A. The City shall issue a written warning to any agent, tenant or adult occupant, or by posting the premises, if no one is present. Whenever any violation of this chapter is found the City shall allow the violators twenty-four(24) hours within which to correct all violations. The notice may state the possible consequences of non-compliance within the twenty-four(24) hour period. If at the end of the twenty-four(24) hours, inspection of the violation property reveals the violation to be continuing, then the property owner, agent, lessee, tenant or occupant shall be presumed to have requested a special pickup of such waste by the City. The City shall charge the special pickup charge on the site's utility bill or shall mail a bill for each special pickup to the owner of the property. If the bill for the special pickup is not paid when due, a lien for the special pickup charge shall be recorded in the County Courthouse against the property. The cost of recording the lien shall be added to the lien and both liens and the recording cost shall accrue at 8% interest compounded monthly until paid. An administrative fee of \$75.00 shall be included with each special pickup completed and shall be added to the lien.
  - B. Vacant lots will be noticed and follow the procedure as outlined in Section 11-33, "Inspection, Notice, Failure to Comply".

Section 7-19 - Enforcement of Chapter: Florida Litter Law

- (1). Law Enforcement Officers shall enforce the provision of this chapter and the Florida Litter Law pursuant to 403.413(6)(I) Florida Statutes.
- (2). Code Enforcement Inspectors shall enforce the provisions of this chapter and the Florida Litter Law pursuant to 403.413(7) Florida Statutes "Enforcement by Municipal Employees". This Section does not provide inspectors with the right to bear arms or make arrests.

Section 7-20 - Service Deposit

A service deposit may be required of all applicants for refuse service in the amount equal up to three(3) times the amount of monthly billing.

Section 7-21 - Delinquent Accounts

- (1). All accounts become due and payable not later than ten(10) days from date of mailing. If bills are not paid within thirty(30) days of the due date, a delinquency fee will be charged in the same amount as other City utility rate payment fees, and service may be discontinued without notice.
- (2). If a delinquent account shall not be paid for any residence or commercial establishment using City water within thirty(30) days after the due date, the City water supply as well as garbage service to such residence or commercial establishment may be discontinued until such delinquent fee is paid, including penalties and the expense for reconnecting water service. If not reconnected within fifteen(15) days, then the fee may be deducted from the water, sewer and trash deposit for such premises; provided, there is sufficient balance of such deposit after deducting any unpaid water or sewer service charges.
- (3). If a delinquent account shall remain unpaid for any residence or commercial establishment which has no current City water account, the fee for collection and disposal of refuse shall be billed to the title holder of record of such premises and all penalties herein provided shall begin to run against such recorded owner thereof and the City shall have the right to impose a lien against the title to such real property for the amount of such bill, interest and penalties, as provided by City ordinance.
- (4). The stoppage of services authorized in this section for nonpayment of collection charges shall be in addition to the right of the City to proceed for the collection of such unpaid charges in the manner provided by law for the collection of a municipal claim.
- (5). The above conditions and requirements are applicable to the City's services whether the billing is direct from City, its agent or contractor.

Section 7-22 - Billing and Collection for Solid Waste Services; Properties that are Commercial, Vacant and Without Water Utility Accounts or Solid Waste Service.

- (1). All solid waste and refuse in the City shall be collected, conveyed and disposed of by the City.
- (2). Any business, commercial account, vacant residential property or vacant lots shall be required to pay for services received by special trash pickup if the location does not have a current or non-delinquent account.
- (3). Any account on stop service shall receive special pickup service to remove any solid waste prior to removal of a container or after the container is removed.

- (4). Removal of container from any commercial location because of stop service shall require the business to cease its operation and suspension of occupational license until commercial collection service is resumed.
- (5). Residential accounts without water or trash service shall require occupants to vacate premises due to health and sanitation requirement for minimum housing standards after thirty(30) days from stop service of utilities.
- (6). All fees for residential or commercial waste removal service shall be a part of any contract for such services provided by the City and may be reviewed at the City Clerks Office from the files.

Section 7-23 - Appeals

- (1). Any person aggrieved by enforcement of provisions of this chapter shall have the right to appeal to the City's Code Enforcement Board. The aggrieved shall file a request for hearing ten(10) days prior to the next scheduled Code Enforcement Board Hearing. The Code Enforcement Board shall have the authority to confirm, modify or revoke any action after a finding of fact relative to the appeal with the powers pursuant to Section 162.08, Florida Statutes, "Power of Enforcement Boards".
- (2). Any code enforcement citation Issued pursuant to 162.21(3)(a) Florida Statutes, "Supplemental Code Procedure" shall be contested in the County Court.
- (3). Whenever this chapter is enforced under the general penalty pursuant to Section 1-11 of the City's code by notice to appear or by arrest, the County Court will hear the case.

Section 7-24 - 7-50 - Reserved

**Article II - Hauler Requirements**

Section 7-51 - Permits, License or Franchise Regulations

- (1). No person shall pickup or transport any solid waste, recovered material or recyclable material or debris, scrap metal or construction debris generated in the incorporated areas of the City without a permit, license or a franchise issued by the City.
  - (1). Permits Required:
    - A. Persons collecting and transporting recovered materials generated by them or their business in this City.
    - B. Non-profit groups, homeowner's organizations and service clubs operating in this City are eligible for permit for fund raising collections.
    - C. Permits shall be valid for one(1) year renewable during September of each year.
  - (2). Occupational Licenses Required:
    - A. Commercial collection or hauling of any solid waste, recovered materials recycling material, hazardous waste or

- waste of any kind requires a license if load was generated within the corporate limits of the City.
- (3). License Conditions:
    - A. The City may place reasonable conditions on any permit, license or franchise to ensure compliance with the provisions of this chapter.
  - (4). Commercial Hauler License Requirements:
    - A. Provide a detailed description of equipment used to store and transport recovered materials, recyclable materials or solid waste. The description list will include type, year(age), model and make or any other information requested.
    - B. Proof of Commercial Drivers License for all employees driving equipment and compliance with Florida Statutes governing Commercial Drivers License.
  - (5). List Requirements:
    - A. List of disposal and processing facilities with copies of valid permits to satisfy all requirements of Chapter 403, Florida Statutes.
  - (6). Performance Bond:
    - A. A performance bond in the amount of \$100,000.00 by a surety company authorized to do business in the State of Florida.
  - (7). Application Fee:
    - A. A nonrefundable application license fee of \$100.00.

#### Section 7-52 - Collection

Haulers shall not collect solid waste or recyclable materials from any location in the City prior to 6:00 a.m. or after 7:00 p.m.

#### Section 7-53 - Vehicles

- (1). Vehicles used to collect or transport materials shall be clean and the exterior of the vehicles washed weekly. The areas inside the vehicle or payload area shall also be cleaned and sanitized with a disinfectant and a deodorant. Waste water resulting from washing collection vehicles shall meet all applicable local, state and federal treatment and discharge standards.
- (2). Each vehicle shall clearly have visible the name and phone number of the hauler and vehicle number not less than six(6) inches in height on each side of the vehicle.

#### Section 7-54 - Containers, Residential, Commercial, and Mechanical

- (1). The size of containers and frequency of service shall be sufficient to ensure proper storage and disposal of all materials generated during the service period.
- (2). Containers shall be maintained in good condition free of rust holes, broken hinges, broken lids, fasteners or broken wheels. Each container

shall have solid bottoms with a removable drain plug for purposes of cleaning.

- (3). All metal containers shall be kept painted at all times and shall be repainted every three(3) years.
- (4). Container lids shall remain closed and containers not overfilled.
- (5). It shall be the responsibility of the customers to keep area in and around the containers clean and free of debris and litter.

#### Section 7-55 - Littering

- (1). Haulers will not overload vehicles or release litter in violation of the "Florida Litter Law", Florida Statute 403.413. All loads will be properly secured with a cover.
- (2). Any spillage will be immediately picked up by a hauler and load secured.

#### Section 7-56 - Reports Required

- (1). Reports will be submitted to the City on or before the 25th day of the month following the month of service. The reports shall contain all information to comply with the provisions of Chapter 403, Part IV Florida Statutes and any other applicable statutes, rules, regulations, ordinances and interlocal governmental agreements. All reports shall be submitted in a format approved and acceptable to the City.
- (2). Minimum Contents of Report:
  - A. List of all businesses and customers collected from.
  - B. The amount of weight and type of solid waste material collected.
  - C. Amount of solid waste disposed of in a land fill.
  - D. Names of third party recyclers and required information for that party.

#### Section 7-57 - Insurance Requirements

The hauler shall obtain and maintain insurance throughout the term of the permit not less than the insurance coverage set forth. Insurance policies shall be carried with companies having a best rating of A or greater with a financial size category of five(5) or better, authorized to transact business in the State of Florida.

- (1). Worker Compensation:

Hauler shall fulfill all the requirements of the Workers Compensation Act of Florida.
- (2). Comprehensive General Liability:

The hauler shall maintain Comprehensive General Liability insurance showing the City as additionally insured with regard to all damages in the minimum amounts of:

  - A. One Million Dollars (\$1,000,000) for bodily injury or death to any one person and the sum of One Million Dollars (\$1,000,000) for bodily injury or death from any one accident.
  - B. One Million Dollars (\$1,000,000) for property damage resulting from any one accident.

- C. The City will be named as additionally insured for Comprehensive General Liability or each Certificate of Insurance for all owned, leased or hired vehicles used in the connection of collection and transporting of recycling materials, solid waste or other materials.

Section 7-58 - Inspection

Code Enforcement inspectors and police officers shall be authorized to conduct compliance inspections of any vehicle or equipment used to store and transport, solid waste, recovered materials or other materials and any recovered materials processing facility during normal hours of operation, without prior notice.

Section 7-59 - Suspension, Revocation of Permit

- (1). Permit or license may be suspended or revoked by the City if hauler fails to comply with requirements of this ordinance or specific permit conditions or repeatedly and consistently violates any laws, ordinances, rules or regulations of the City, county, state or federal government.

Sections 7-60 - 7-100 - Reserved

**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 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 passage and adoption.

PASSED AND APPROVED on first reading this 20TH day of MARCH, 1996.

PASSED AND ADOPTED on second reading this 15TH day of JANUARY, 1997.

APPROVED:

Dana K. Williams Francis Becton  
MAYOR CHAIRPERSON

[MUNICIPAL SEAL]

Elizabeth Wade  
CHAIRPERSON PRO-TEM

Marilyn S. Moffitt

ATTEST:

Carne J. Howard  
CITY CLERK

Margaret Confrey  
COUNCIL MEMBERS

1st Reading

2nd & Final Reading

MOTIONED BY: M. MOFFITT  
SECONDED BY: E. WADE

E. WADE  
M. MOFFITT

C. BECTON AYE  
E. WADE AYE  
M. CONFREY AYE  
B. MOFFITT AYE  
E. WESTON AYE

AYE  
AYE  
AYE  
AYE  
AYE

RENEWED FOR LEGAL SUFFICIENCY  
[Signature]  
CITY ATTORNEY  
CITY OF BIVIERA BEACH  
DATE: 12-31-96