

ORDINANCE NO. 2761

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING A 50-FOOT RIGHT-OF-WAY ON AVENUE "L" AND WEST 6TH STREET IN THE INLET CITY SUBDIVISION.

WHEREAS, the School District of Palm Beach County requests the abandonment of a 50-foot stretch of right-of-way at the West Riviera Magnet Elementary School to officially abandon the right-of-way which was not officially abandoned prior to the school being built; and

WHEREAS, the City of Riviera Beach has no further interest in this particular property for street purposes and such street is not needed for necessary public purposes; and

WHEREAS, the Planning and Zoning Board held a public hearing on August 14, 1997, and recommended to the City Council that this street be abandoned; and

WHEREAS, the City Council deems, it fair and equitable and to be in the best interest of all parties concerned that this said street, which is the subject matter of this ordinance, should be abandoned and vacated as a public street.

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

Section 1. That the portion of Avenue "L" more particularly described hereinafter be and the same is vacated, closed and abandoned and the City of Riviera Beach hereby relinquishes all of its claim and right, title and interest in and to said property for public street purposes. Said segment is more particularly described as follows:

Legal Description: Being a parcel of land in section 32, Township 42 South, Range 43 East, Palm Beach County, Florida more particularly described as follows:

That portion of a 50 foot right-of-way according to the "Inlet City" Plat recorded in Plat Book 7, Pages 27 and 28, of the Public Records of said County, being bounded on the north by a 50 foot right-of-way for 6th Street West (Washington Avenue according to Plat); on the east side by Lot 18, Block 53 of said Plat; bounded on the south by the south line of said Plat; bounded on the west by Lot 1, Block 52 of said plat.

Containing 5,600.00 square feet or 0.1286 acres more or less.

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 *City of Riviera Beach Code of Ordinances*, 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 *City of Riviera Beach Code of Ordinances*, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

Section 5. That this ordinance shall be in full force and effect immediately upon its final passage and adoption and shall not be codified.

PASSED and APPROVED this 1st day of October 1997.

PASSED AND ADOPTED on second and final reading this 6TH day of MAY 1998.

APPROVED:

<u>Clara K. Williams</u> CLARA K. WILLIAMS, MAYOR	<u>Marge Confrey</u> MARGE CONFREY, CHAIRPERSON
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[MUNICIPAL SEAL]

<u>Lenora Hurley</u> LENORA HURLEY, CHAIRPERSON PRO-TEM
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ATTEST:

<u>Marilyn P. Moffitt</u> MARILYN MOFFITT
--

<u>Carrie E. Ward</u> CARRIE E. WARD, CMC/AAE CITY CLERK
--

<u>Hyacinthra "Cynthia" Becton</u> CYNTHIA BECTON
<u>William H. Burrs</u> WILLIAM BURRS COUNCIL MEMBERS

	FIRST READING	SECOND AND FINAL READING
MOTIONED BY:	<u>M. Moffitt</u>	MOTIONED BY: <u>L. HURLEY</u>
SECONDED BY:	<u>L. Hurley</u>	SECONDED BY: <u>H. BECTON</u>
M. CONFREY	<u>AYE</u>	M. MOFFITT <u>AYE</u>
L. HURLEY	<u>AYE</u>	L. HURLEY <u>AYE</u>
M. MOFFITT	<u>AYE</u>	M. CONFREY <u>AYE</u>
C. BECTON	<u>AYE</u>	C. BECTON <u>AYE</u>
W. BURRS	<u>AYE</u>	W. BURRS <u>AYE</u>

REVIEWED AS TO LEGAL SUFFICIENCY

[Signature]
City Attorney
City of Riviera Beach

Date 4/23/98

ORDINANCE NO. 2762

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 ASSIGNING CG: GENERAL COMMERCIAL DISTRICT TO .98 ACRE OF LAND ON THE NORTH SIDE OF WEST BLUE HERON BOULEVARD, APPROXIMATELY 180 FEET EAST OF CENTRAL INDUSTRIAL DRIVE; DIRECTING THE CITY CLERK TO UPDATE THE CITY'S ZONING MAP.

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

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

WHEREAS, the subject property is currently unzoned on the Riviera Beach Zoning Map; and

WHEREAS, on September 11, 1997, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed zoning change at a Public Hearing, and forwarded recommendations to the City Council.

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

Section 1. Chapter 31, "Zoning" of the *City of Riviera Beach Code of Ordinances* is amended by assigning CG: General Commercial District zoning to the parcel of land legally described as follows:

Lot 4 of "Hunt Clement Replat" according to the plat thereof as recorded in Plat Book 47 at Page 104 of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Begin at the northeast corner of said Lot 4; thence run south 01 degrees 28 minutes 43 seconds west along the east line of said Lot 4 for a distance of 285.45 feet to the southeast corner of said Lot 4; thence run north 87 degrees 40 minutes 36 seconds west along the southline of said Lot 4 (also being the north right-of-way line of Blue Heron Boulevard) for a distance of 112.38 feet to a point; thence run north 02 degrees 19 minutes 24 seconds east for a distance of 41.00 feet to a point; thence run north 87 degrees 40 minutes 36 seconds west for a distance of 46.23 feet to a point; thence run north 02 degrees 19 minutes 24 seconds east along the west line of said lot 4 for a distance of 244.41 feet to the northwest corner of said Lot 4; thence run south 87 degrees 40 minutes 36 seconds east along the north line of said Lot 4 for a distance of 154.40 feet to the point of beginning.

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

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

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

PASSED and APPROVED this 1ST day of OCTOBER 1997.

PASSED AND ADOPTED on second and final reading this 15TH day of
OCTOBER 1997.

APPROVED:

Clara K. Williams
CLARA K. WILLIAMS, MAYOR

Marge Confrey
MARGE CONFREY, CHAIRPERSON

[MUNICIPAL SEAL]

Lenora Hurley
LENORA HURLEY, CHAIRPERSON PRO-TEM

ATTEST:

Marilyn S. Moffitt
MARILYN MOFFITT

Carrie E. Ward
CARRIE E. WARD, CMC/AEE
CITY CLERK

Hypacinchia "Cynthia" Becton
CINTHIA BECTON

William N. Burrs
WILLIAM BURRS
COUNCIL MEMBERS

	FIRST READING	SECOND AND FINAL READING
MOTIONED BY:	<u>W. BURRS</u>	MOTIONED BY: <u>W. BURRS</u>
SECONDED BY:	<u>C. BECTON</u>	SECONDED BY: <u>L. HURLEY</u>
M. CONFREY	<u>AYE</u>	M. CONFREY <u>AYE</u>
L. HURLEY	<u>AYE</u>	L. HURLEY <u>AYE</u>
M. MOFFITT	<u>AYE</u>	M. MOFFITT <u>AYE</u>
C. BECTON	<u>AYE</u>	C. BECTON <u>AYE</u>
W. BURRS	<u>AYE</u>	W. BURRS <u>AYE</u>

CERTIFICATION OF PUBLICATION

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

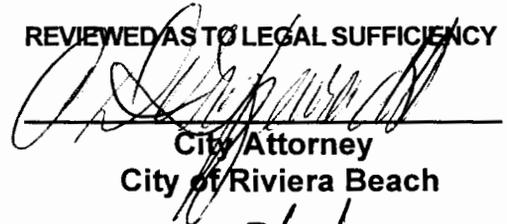
September 16, 1997

Date



Carrie E. Ward, CMC/AE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY



City Attorney
City of Riviera Beach

Date

9/22/97

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING PROVISIONS RELATING TO STORMWATER CONTROL.

WHEREAS, the Federal Clean Water Act (33 U.S.C. 1251 et seq.), as implemented by regulations of the U. S. Environmental Protection Agency adopted November 16, 1990 (40 CFR Part 122), make necessary the adoption of local ordinance provisions relating to the Stormwater System; and

WHEREAS, the City of Riviera Beach is seeking to comply with all provisions of federal and state law; and

WHEREAS, the City Council of the City of Riviera Beach has conducted legally noticed public hearings and has provided all interested parties an opportunity to be heard on these ordinance provisions.

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

Section 1. That a new Chapter 32 is hereby created in the *City of Riviera Beach Code of Ordinances*, which shall read as follows:

Chapter 32

ARTICLE 1.0 TITLE, PURPOSE AND DEFINITIONS

This Ordinance shall be known as the City of Riviera Beach Stormwater Control Ordinance, and may be so cited.

Section 1.1 Purpose and Intent

The purpose of this ordinance is to promote the health, safety and general welfare of the inhabitants of the City of Riviera Beach. This ordinance is intended to comply with federal and state laws and regulations regarding water quality.

Section 1.2 Definitions

- a. *Administrator*: The City Manager or his designee.
- b. *Authorized Official*: Any employee or agent of the City of Riviera Beach authorized in writing by the Administrator to enforce the provisions of this ordinance.
- c. *Discharge*: Any direct or indirect entry of any solid, liquid or gaseous matter.
- d. *Person*: Any individual, corporation, partnership, institution, or other entity.
- e. *Site of Industrial Activity*: Any area or facility used for manufacturing, processing or raw materials storage, as defined under 40 CFR Section 122.26(a)(14) of regulations of the U. S. Environmental Protection Agency, as amended.

f. *Stormwater*: Any stormwater runoff, and surface runoff and drainage.

g. *Stormwater System*: The system of conveyances used for collecting, storing, and transporting Stormwater in the City of Riviera Beach but not including any facilities intended to be used in accordances with applicable law for collecting and transporting sanitary or other wastewater.

ARTICLE 2.0 INDUSTRIAL ACTIVITY

Section 2.1 General Prohibitions

Any discharge into the Stormwater System in violation of any federal, state, county, municipal, or other law, rule, regulation or permit is prohibited.

Section 2.2 Specific Prohibitions

By adoption of industrial activity stormwater regulations or by issuance of industrial activity stormwater permits, or both, the Administrator may impose reasonable limitations as to the quality of Stormwater discharged into the Stormwater System from Sites of Industrial Activity. The Administrator may designate the maximum level of pollutants that may be discharged into the system. This designation will be based on the requirements of the State and Federal Environmental Protection Agencies.

Section 2.3 Administrative Orders

The Administrator may issue an order to any Person to immediately cease any Discharge determined by the Administrator to be in violation of any provision of this ordinance, or in violation of any regulation or permit issued hereunder.

Section 2.4 National Pollutant Discharge Elimination System (NPDES) Permits

No person shall discharge Stormwater from any Site of Industrial Activity without an NPDES permit. Any Person who holds an NPDES permit shall provide a copy of such permit to the Administrator no later than sixty (60) days after the effective date of this ordinance or sixty (60) calendar days after issuance.

ARTICLE 3.0 ILLICIT DISCHARGES

Section 3.1 General Prohibitions

Except as set forth under Section 3.3 of this ordinance or as in accordance with a valid NPDES permit, any Discharge to the Stormwater System that is not composed entirely of Stormwater is prohibited.

Section 3.2 Specific Prohibitions

Any Discharge to the Stormwater System containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits, is prohibited.

Section 3.3 Authorized Exceptions

Unless the Administrator determines that it is not properly managed or otherwise is not acceptable, the following Discharges are exempt from the general prohibition set forth under Section 3.1 of this ordinance: flows from fire fighting, water line flushing and other contributions from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising groundwaters, direct infiltration to the Stormwater System, uncontaminated pumped groundwater, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, flows from riparian habitats and wetlands, and dechlorinated swimming pool contributions.

Section 3.4 Illicit Connections

No Person may maintain, use or establish any direct or indirect connection to the Stormwater System that results in any Discharge in violation of this ordinance. This prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.

Section 3.5 Administrative Order

The Administrator may issue an Administrative Order to any Person to immediately cease any Discharge, or any connection to the Stormwater System, determined by the Administrator to be in violation of any provision of this ordinance, or in violation of any regulation or permit issued hereunder.

ARTICLE 4.0 SPILLS AND DUMPING

Section 4.1 General Prohibitions

Except as set forth under Section 3.3 of this ordinance or as in accordance with a valid NPDES permit, any Discharge to the Stormwater System that is not composed entirely of Stormwater is prohibited.

Section 4.2 Specific Prohibitions

Any Discharge to the Stormwater System containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws rules, regulations, order, or permits, is prohibited.

Section 4.3 Notification of Spills

As soon as any Person has knowledge of any Discharge to the Stormwater System in violation of this ordinance, such Person shall immediately notify the Administrator by telephoning (561) 845-4010, and if such Person is directly or indirectly responsible for such Discharge, then such Person shall also take immediate action to ensure the containment and clean up of such Discharge and shall confirm such telephone notification in writing to the Administrator at 600 West Blue Heron Boulevard, Riviera Beach, Florida 33404 within three calendar days.

Section 4.4 Administrative Order

The Administrator may issue an order to any Person to immediately cease any Discharge, or connection to the Stormwater System, determined by the Administrator to be in violation of any provision of this ordinance, or in violation of any regulation or permit issued hereunder.

ARTICLE 5.0 PROHIBITION OF ILLICIT CONNECTION

Section 5.0 Prohibition of Illicit Connection

It shall be unlawful for any person to make any stormwater connection which shall be defined as a connection to a stormwater drainage system, i.e., swales, pipes, catch basins, etc. without first obtaining approval by the City of Riviera Beach, which shall not be given unless proof is shown that all federal, state, and local rules and regulations have been met for the system and the discharge quality.

ARTICLE 6.0 ENFORCEMENT AND PENALTIES

Section 6.1 Civil Penalties

Any violation of any provision of this ordinance, or of any regulation or order issued hereunder, shall be subject to a civil penalty of \$500 per day for each violation.

Section 6.2 Criminal Penalties

Any intentional or willful violation of any provision of this ordinance, or of any regulation or order issued hereunder, shall be subject to a criminal penalty as set forth by the Environmental Protection Agency.

Section 6.3 Injunctive Relief

Any violation of any provision of this ordinance, or of any regulation or order issued hereunder, shall be subject to injunctive relief if necessary to protect the public health, safety or general welfare.

Section 6.4 Continuing Violation

A Person shall be deemed guilty of a separate violation for each and every day during any continuing violation of any provision of this ordinance, or of any regulation order, or permit issued hereunder.

Section 6.5 Enforcement Actions

The Administrator may take all actions necessary, including the issuance of notices of violation and the filing of court actions, to require and enforce compliance with the provisions of this ordinance and with any regulation or permit issued hereunder.

ARTICLE 7.0 INSPECTIONS AND MONITORING

Section 7.1 Authority for Inspections

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or regulation or permit issued hereunder, or whenever an Authorized Official has reasonable cause to believe there exists any condition constituting a violation of any of the provision of this ordinance, or regulation or permit issued hereunder, any Authorized Official may enter any property, building or facility at any reasonable time to inspect the same or to perform any duty related to enforcement of the provisions of this ordinance or any regulations or permits issued hereunder provided that:

- a. If such property, building or facility is occupied, such Authorized Official shall first present proper credentials and request permission to enter; and
- b. If such property, building or facility is unoccupied, such Authorized Official shall make a reasonable effort to locate the owner or other person having charge or control of the property, building or facility, and request permission to enter.

Any request for permission to enter made hereunder shall state that the owner or person in control has the right to refuse entry, and that in such event that entry is refused, the Authorized Official may enter to make inspection only upon issuance of a search warrant by a duly authorized magistrate. If the owner or person in control refuses permission to enter after such request has been made, the Authorized Official is hereby authorized to seek assistance from any court of competent jurisdiction in obtaining entry. Routine or area-wide inspections shall be based upon such reasonable selection processes as may be necessary to carry out the purposes of this ordinance, including but not limited to random sampling and sampling in areas with evidence of stormwater contamination, non-stormwater discharges, or similar factors.

Section 7.2 Authority for Monitoring and Sampling

Any Authorized Official may establish on any property such devices as are necessary to conduct sampling or metering of Discharges to the Stormwater System. During any inspections made to enforce the provisions of this ordinance, or regulations or permits issued hereunder, any Authorized Official may take any samples deemed necessary.

Section 7.3 Requirements for Monitoring

The Administrator may require any Person engaging in any activity or owning any property, building or facility (including but not limited to a Site of Industrial Activity) to undertake such reasonable monitoring of any Discharge(s) to the Stormwater System and to furnish periodic reports.

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 *City of Riviera Beach Code of Ordinances*, 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 *City of Riviera Beach 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 this 1ST day of OCTOBER 1997.

PASSED AND ADOPTED on second and final reading this 5TH day of
NOVEMBER 1997.

APPROVED:

Clara K. Williams
CLARA K. WILLIAMS, MAYOR

Marge Confrey
MARGE CONFREY, CHAIRPERSON

[MUNICIPAL SEAL]

Lenora Hurley
LENORA HURLEY, CHAIRPERSON PRO-TEM

ATTEST:

Marilyn S. Moffitt
MARILYN MOFFITT

Carrie E. Ward
CARRIE E. WARD, CMC/AAE
CITY CLERK

Hyacintha "Cynthia" Becton
CYNTHIA BECTON

William H. Burrs
WILLIAM BURRS
COUNCIL MEMBERS

	FIRST READING	SECOND AND FINAL READING
MOTIONED BY:	<u>C. BECTON</u>	MOTIONED BY: <u>C. BECTON</u>
SECONDED BY:	<u>M. MOFFITT</u>	SECONDED BY: <u>W. BURRS</u>
M. CONFREY	<u>AYE</u>	M. CONFREY <u>AYE</u>
L. HURLEY	<u>AYE</u>	L. HURLEY <u>AYE</u>
M. MOFFITT	<u>AYE</u>	M. MOFFITT <u>AYE</u>
C. BECTON	<u>AYE</u>	C. BECTON <u>AYE</u>
W. BURRS	<u>AYE</u>	W. BURRS <u>AYE</u> <u>William H. Burrs</u>

CERTIFICATION OF PUBLICATION

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

November 5, 1997
Date

Carrie E. Ward
Carrie E. Ward, CMC/AAE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY
[Signature]
City Attorney
City of Riviera Beach

Date _____



OFFICE OF
CITY CLERK

CITY OF RIVIERA BEACH

600 WEST BLUE HERON BLVD. • RIVIERA BEACH, FLORIDA 33404

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING will be held on the proposed ordinance at 7:30 p.m., on November 5, 1997, and from time thereafter in the City of Riviera Beach Council Chambers, 600 W. Blue Heron Blvd., at which time the City Council will consider its adoption into law. The ordinance in its entirety may be inspected at the Office of the City Clerk during regular working hours. All interested parties may appear at the meeting and be heard with respect to this proposed ordinance.

Ordinance No. 2763 An ordinance of the City Council of the City of Riviera Beach, Palm Beach County, Florida, adopting provisions relating to storm water control.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at such hearing, he will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Carrie E. Ward, CMC, AAE
City Clerk

PUBLISH: October 18, 1997
FURNISH PROOF OF PUBLICATION

ORDINANCE NO. 2764

AN ORDINANCE OF THE CITY OF RIVIERA BEACH PALM BEACH COUNTY, FLORIDA AMENDING, CHAPTER 2, ARTICLE VI, DIVISION 3, OF SECTION 2-100 OF THE CODE OF ORDINANCE OF RIVIERA BEACH, FLORIDA RELATING TO RATES OF PAY AND SALARY SCHEDULE BY CREATING THE CLASSIFIED POSITION OF PERSONNEL ANALYST UNDER CLASS TITLE, ADMINISTRATIVE, GENERAL AND CREATING THE UNCLASSIFIED POSITION OF PUBLIC WORKS DIRECTOR UNDER CLASS TITLE, PUBLIC WORKS SERVICE AND DELETING THE CLASSIFIED POSITION OF SUPERINTENDENT OF PUBLIC WORKS UNDER CLASS TITLE, PUBLIC WORKS SERVICE AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, City Council approved the position of Public Works Director and Personnel Analyst in the 1997- 1998 budget; and

WHEREAS, the positions must be created and added to our pay and classification schedule; and

WHEREAS, the position of Public Works Director is an unclassified position and a copy of the job description is hereby attached; and

WHEREAS, the position of Personnel Analyst is a classified position and a copy of the job description is hereby attached; and

WHEREAS, the classified position of Public Works Superintendent is hereby deleted due to the creation of Public Works Director.

NOW THEREFORE BE IT ORDAINED BY 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 CITY OF RIVIERA BEACH CODE OF ORDINANCE:

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 by creating the classified position of Personnel Analyst, the unclassified position of Public Works Director and by deleting the classified position of Public Works Superintendent.

(CREATING)

CLASS TITLE	RANGE	CLASSIFICATION	SALARY
Administrative, General	G-37	Personnel Analyst	\$36,674-54,836
Administrative	M-09	Public Works Director	\$40-085-59,326

(DELETING)

CLASS TITLE	RANGE	CLASSIFICATION	SALARY
Public Works	G-38	Superintendent of Public Works	\$38,456-57,501

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

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 Ordinance 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 effect the validity of any remaining portions of this ordinance.

SECTION 5. That all sections or parts of sections of the Code of Ordinances of 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. That this Ordinance shall not be codified.

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

PASSED and APPROVED on first reading this 5TH day of NOVEMBER, 1997.

PASSED and ADOPTED on second reading this 19TH day of NOVEMBER, 1997.

APPROVED:

Clara K. Williams Marge Confrey
CLARA K. WILLIAMS, MAYOR MARGE CONFREY, CHAIRPERSON

(MUNICIPAL SEAL)

Lenora Hurley
LENORA HURLEY, CHAIRPERSON
PRO TEM

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AE
CITY CLERK

Hyacinthia "Cynthia" Becton
CYNTHIA BECTON

Marilyn S. Moffitt
MARILYN MOFFITT

William H. Burrs
WILLIAM BURRS
COUNCIL MEMBERS

Motioned by: W. BURRS
Seconded by: C. BECTON

Motioned by: M. MOFFITT
Seconded by: W. BURRS

1ST READING

C. BECTON AYE

M. MOFFITT AYE

M. CONFREY AYE

L. HURLEY AYE

W. BURRS AYE

2ND READING

AYE

AYE

AYE

AYE

AYE

CERTIFICATION OF PUBLICATION

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

November 19, 1997
DATE

Carrie E. Ward
Carrie E. Ward, CMC/AE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY

Patricia Hanna Ry
Assistant CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE 10/24/97

DP/DMK/10/24/97



OFFICE OF
CITY CLERK

CITY OF RIVIERA BEACH

600 WEST BLUE HERON BLVD. • RIVIERA BEACH, FLORIDA 33404

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING will be held on the proposed ordinance at 7:30 p.m., on November 19, 1997, and from time thereafter in the City of Riviera Beach Council Chambers, 600 W. Blue Heron Blvd., at which time the City Council will consider its adoption into law. The ordinance in its entirety may be inspected at the Office of the City Clerk during regular working hours. All interested parties may appear at the meeting and be heard with respect to this proposed ordinance.

Ordinance No. 2764

An ordinance of the City of Riviera Beach Palm Beach County, Florida, amending, Chapter 2, Article VI, Division 3, of Section 2-100 of the Code of Ordinance of Riviera Beach, Florida, relating to rates of pay and salary schedule by creating the classified position of Personnel Analyst under class title, Administrative, General and creating the unclassified position of Public Works Director under class title, Public Works service and deleting the classified position of Superintendent of Public Works under class title, Public Works Service and providing a severability clause and an effective date.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at such hearing, he will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Carrie E. Ward, CMC, AAE
City Clerk

PUBLISH: November 8, 1997
FURNISH PROOF OF PUBLICATION

ORDINANCE NO. 2765

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, VACATING AND ABANDONING THE 15-FOOT RIGHT-OF-WAY KNOWN AS LAKE VIEW AVENUE LOCATED SOUTH AND WEST OF BLOCK 19 OF THE PLAT OF RIVIERA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Lake View Avenue is a public right-of-way; and

WHEREAS, the City of Riviera Beach has no public purpose for the Lake View Avenue right-of-way; and

WHEREAS, the Planning and Zoning Board held a public hearing on October 9, 1997, and recommended to the City Council that this street be abandoned; and

WHEREAS, the City Council held a public hearing and found that the Lake View Avenue right-of-way serves no public purpose and should be vacated and abandoned as a public right-of-way.

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

SECTION 1. That the portion of Lake View Avenue more particularly described hereinafter be vacated, closed and abandoned and the City of Riviera Beach hereby relinquishes all claim, right, title, and interest in said property for public right-of-way purposes. Said public right-of-way is more particularly described as follows:

All that portion of Lake View Avenue right-of-way west and south of Block 19 of the Riviera Plat as shown in Plat Book 2 pages 90 and 91.

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.

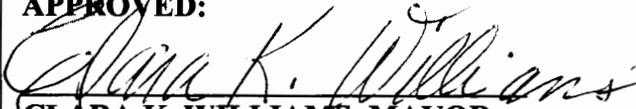
SECTION 4. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith, be and the same are hereby repealed to extent of such conflict.

SECTION 5. This Ordinance shall be effective immediately upon adoption and shall not be codified.

PASSED AND APPROVED on First Reading this 5TH day of NOVEMBER 1997.

PASSED AND ADOPTED on Second Reading this 19TH day of NOVEMBER 1997.

APPROVED:


CLARA K. WILLIAMS, MAYOR


MARGE CONFREY,
CHAIRPERSON

[MUNICIPAL SEAL]


LENORA HURLEY,
CHAIRPERSON PRO-TEM


CINTHIA BECTON

ATTEST:


MARILYN MOFFITT


CARRIE E. WARD, CMC/AAE
CITY CLERK


WILLIAM BURRS
COUNCIL MEMBERS

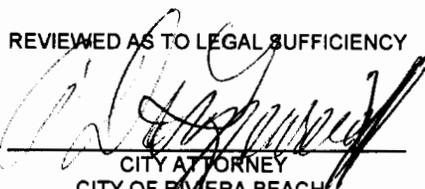
	<u>1st Reading</u>	<u>2nd & Final Reading</u>
MOTIONED BY:	<u>C. BECTON</u>	<u>C. BECTON</u>
SECONDED BY:	<u>W. BURRS</u>	<u>W. BURRS</u>
C. BECTON	<u>AYE</u>	<u>AYE</u>
M. MOFFITT	<u>AYE</u>	<u>AYE</u>
M. CONFREY	<u>AYE</u>	<u>AYE</u>
L. HURLEY	<u>AYE</u>	<u>AYE</u>
W. BURRS	<u>AYE</u>	<u>AYE</u>

CERTIFICATION OF PUBLICATION

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

November 19, 1997
Date

Carrie E. Ward
Carrie E. Ward, CMC/AE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY

CITY ATTORNEY
CITY OF RIVIERA BEACH
10/22/97

c:\lakeview.abd

10\13\97



OFFICE OF
CITY CLERK

CITY OF RIVIERA BEACH

600 WEST BLUE HERON BLVD. • RIVIERA BEACH, FLORIDA 33404

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING will be held on the proposed ordinance at 7:30 p.m., on November 19, 1997, and from time thereafter in the City of Riviera Beach Council Chambers, 600 W. Blue Heron Blvd., at which time the City Council will consider its adoption into law. The ordinance in its entirety may be inspected at the Office of the City Clerk during regular working hours. All interested parties may appear at the meeting and be heard with respect to this proposed ordinance.

ORDINANCE NO. 2765

An ordinance of the City of Riviera Beach Palm Beach County, Florida, vacating and abandoning the 15-foot right-of-way known as Lake View Avenue located south and west of Block 19 of the Plat of Riviera; providing for severability; and providing an effective date.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at such hearing, he will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Carrie E. Ward, CMC, AAE
City Clerk

PUBLISH: November 8, 1997
FURNISH PROOF OF PUBLICATION

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING PETITIONS FOR VOLUNTARY ANNEXATION FROM TWO PETITIONERS WITH PARCELS OF LAND IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF RIVIERA BEACH; PROVIDING FOR REDEFINING OF THE MUNICIPAL BOUNDARIES TO INCLUDE SAID PARCELS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE THEREOF; AND FOR OTHER PURPOSES IN ACCORDANCE WITH SECTION 171.046, FLORIDA STATUTES.

WHEREAS, in June 1970, the Legislature of the State of Florida by House Bill No. 5236 designated "Greater Riviera Beach Area: and specified that the City of Riviera Beach may annex the "Greater Riviera Beach Area" or any part thereof at any time in any manner then allowed by the constitution and general laws of the State of Florida; and as provided by the City Charter; provided however, that any area thus annexed must be adjacent to and contiguous to the existing limits of the City of Riviera Beach; and

WHEREAS, in July 1972, Area Planning Board of Palm Beach County acting as agent for the Florida Department of Pollution Control designated City of Riviera Beach as the sole agent to provide water distribution and sewage collection and or treatment in Greater Riviera Beach Area (also known as Reserve Annexation Area); and

WHEREAS, the City Council of the City of Riviera Beach, Florida, has examined the attached petition and finds the following to be true:

- (a) The petitioners are the owners of the properties described therein.
- (b) The petitions bear the notarized signatures of the owners of the properties proposed to be annexed.
- (c) The properties proposed to be annexed are in the unincorporated area of Palm Beach County, contiguous to the present boundaries of the City of Riviera Beach, Florida.
- (d) No parts of the properties proposed to be annexed is included within the boundary of another incorporated municipality.
- (e) The City has the capability to provide municipal services, e.g.; fire and police protection, water and sewer services, garbage and trash collection to the subject parcel at the same level of services as such services are provided within the rest of the municipality.
- (f) This ordinance is being initiated by the City of Riviera Beach, Florida, pursuant to Section 171.044, Voluntary Annexation, F.S. (1985); and

WHEREAS, the City of Riviera Beach has agreed to furnish the municipal utilities, e.g., water and sewer, to the subject property for development purposes upon receipt of the Voluntary Petitions for Annexation; and subject to conditions set forth in the petition.

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

SECTION 1. Pursuant to Section 171, Florida Statutes, the City of Riviera Beach, Florida, hereby declares its intent and desire to extend its municipal boundaries to include the properties described below after the approval of this Ordinance on second and final reading:

Petition #1

Tambone Corporation

Property Control Number: 00-43-42-19-10-000-0080

00-43-42-19-10-000-0091

00-43-42-19-10-000-0100

00-43-42-19-10-000-0110

00-43-42-19-10-000-0120

Petition #2

Sysco Corporation

Property Control Number: 00-43-42-31-00-000-5010

SECTION 2. This Ordinance shall be read by Title on first reading, and shall be published in its entirety once a week for two (2) consecutive weeks in a newspaper of general circulation in Palm Beach County, Florida. Thereupon after second reading by Title only, this ordinance shall become effective immediately upon passage and adoption, and the annexations shall become effective.

SECTION 3. Within thirty (30) days after final passage and publication, a certified copy of this Ordinance shall be filed by the City Clerk with the Secretary of State of the State of Florida as a revision of its Charter, the Clerk of the Circuit Court, Palm Beach County and other agencies as required by Law.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict repealed.

SECTION 5. Should any part of provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof than the part declared to be invalid.

SECTION 6. All Ordinances of the City of Riviera Beach, Florida, shall apply to the property proposed to be annexed when the annexation is final.

SECTION 7. The City Clerk is hereby directed to update City's Land Use and Zoning Maps to include the above named parcels within the municipal boundaries.

SECTION 8. Upon annexation, the City shall assign the herein referenced land use and zoning designations to said parcels, in accordance with Chapter 163, Florida Statutes.

SECTION 9. The corporate limits of the City of Riviera Beach are hereby redefined to include subject Petitions as follows:

"Beginning at the Northwest corner of Section 29, Range 43 East, Township 42 South, of the Tallahassee Meridian, Palm Beach County, Florida; thence Easterly along the North lines of said Section 29, Section 28, and Section 27, of said Township and range, to the point of intersection with the centerline of the Intracoastal Waterway, thence northerly along said centerline to the point of intersection with a line parallel to and 1,294.00 ft. South of the North line of Section 22, of said Township and Range; thence Easterly along said parallel line to a point in the Westerly boundary of the submerged land area conveyed by the trustees of the Internal Improvement Trust Fund of the State of Florida, to the Lake Worth Realty Company, (a Florida Corporation by the Trustee's Deed No. 17146, recorded in Deed Book 205, Page 82, Public Records of Palm Beach County, Florida); thence Northerly along said Westerly boundary to the point of intersection with a line parallel to and 8,000.00 ft. South of the North line of Section 10, of said Township and Range; thence Easterly along said parallel line to the Westerly edge of Gulfstream or a distance of three geographical miles, whichever is the greater distance to the common boundary of the State of Florida and that of Palm Beach County; thence Southerly along the edge of the Gulfstream or along a line three geographical miles from the Atlantic Coast Line as described in The Constitution of the State of Florida (as revised in 1968 and subsequently amended by Article III, Section 1, Paragraph (a) to a point in the Easterly extension of a line parallel and 998.96 ft. South of the South line a tract of land in Palm Beach County known as Replat Yacht Harbor, (as is recorded in Plat Book 23, Page 57, of the Public Records of Palm Beach County, Florida); thence Westerly along said parallel line to the point of intersection with the centerline of the channel of the Intracoastal Waterway, as now established; thence Southwesterly and Southerly along said centerline of channel to the South line of Township 42 South, Range 43 East; thence Westerly along said South line of Township 42 South to the Southeast corner of Section 36, Township 42 South, Range 42 East; thence continuing Westerly along said South line of Section 36, 2710.00 ft.± to its point of intersection with the East Right-of-Way line of Military Trail; thence Southerly along the Westerly Right-of-Way line of Military Trail, to the intersection with the south right of way of Upthegrove Lane; thence easterly along said right of way line a distance of 707.58 ft.; thence southerly a distance of 306.81 ft.; thence westerly to the point of intersection with the east right of way of Military Trail, thence southerly along said right of way line to a point 1,336.23 ft. South of the south section line of section 36, said line having a bearing of North 03°-41'-15" East; thence North 87°-46'-43" West 880.55 ft.; thence North 51°-46'-38" East 677.08 ft.; thence North 38°-13'-22" West 108.88 ft.; thence North 51°-46'-38" East 85.46 ft.; thence along a curve of 110 ft. radius 96.60 ft.; thence North 01°-27'-35" East a distance of 385.46 ft.; thence along a curve of 85 ft. radius 108.14 ft.; thence North 01°-27'-35" East 203.71 ft. to the South section line of section 36; thence Westerly along said South line of section 36, to the Southwest corner of section 36, Township 42 South, Range 42 East, and the East Right-of-Way line of Haverhill Road, thence Northerly along the west section line of Section 36 to the point of intersection with the south Right-of-Way line of Dyer Blvd; thence easterly along said Right-of-Way line a distance of 340.00 ft.; thence southerly a distance of 292.00 ft.; thence easterly a distance of 2,276.00+/- ft. to a point on the west Right-of-Way line of Military Trail; thence Southerly along said Right-of-Way to the point of

intersection with the South Right-of-Way line of the Northern Palm Beach County Water Control District Canal; thence Easterly along said canal Right-of-Way to the point of intersection with the East Right-of-Way line of Military Trail 52.50 feet to the East-West Center Section 36; thence Easterly along said East-West Center Section line also the South Right-of-Way line of Northern Palm Beach Canal a distance of 10.00 feet to a point designated as a Point of Beginning as shown on Plat 1 WESTROADS BUSINESS and INDUSTRIAL PARK (and recorded in Plat Book 29, Page 137, public Records of Palm Beach County); thence North $02^{\circ}-20'-11''$ East along the East Right-of-Way line of Military Trail, 270.09 feet to a point of curvature; thence Northeasterly also a 25 foot radius curve an arc distance of 39.18 feet to a point of tangency in the South Right-of-Way line of Westroads Drive; thence South $87^{\circ}-42'-34''$ East along said South Right-of-Way line of Westroads Drive 355.09 ft. to a point on the said South Right-of-Way line; thence Southerly 250.09 ft. +/- to a point on the South Right-of-Way line of the Northern Palm Beach Water Canal which is the same as the East-West center Section line; thence South $87^{\circ}-52'-34''$ East along said canal Right-of-Way line and center section line 580.01 ft. to a point designated as a Point of beginning as shown in Plat No. 2 WESTROADS BUSINESS and INDUSTRIAL PARK (and recorded in Plat Book 29, Page 193, Public Records of Palm Beach County); thence North $02^{\circ}-20'-11''$ East along the West Boundary line of Tract "B" of said Plat No. 2 a distance of 345.00 ft. to a point in the North Right-of-Way line of Westroads Drive; thence South $87^{\circ}-52'-34''$ East along the North Right-of-Way of Westroads Drive, a distance of 38.00 ft. to a point; thence North $02^{\circ}-20'-11''$ East a distance of 460.00 ft. to a point in the Westerly Plat line of Plat No. 3 WESTROADS BUSINESS and INDUSTRIAL PARK (and recorded in Plat Book 30, Pages 145 and 146, Public Records of Palm Beach County); thence North $87^{\circ}-52'-34''$ West 353.00 ft. to a point on West Right-of-Way line of White Drive; thence South $02^{\circ}-20'-11''$ West along said West Right-of-Way line a distance of 110.00 ft.; thence North $87^{\circ}-52'-34''$ West a distance of 265.00 ft.; thence South $02^{\circ}-20'-11''$ West a distance of 52.00 ft.; thence North $87^{\circ}-52'-34''$ West a distance of 390.00 ft. to a point on the East Right-of-Way of Military Trail as laid out and now in use; thence North $02^{\circ}-20'-11''$ East along East Right-of-Way of Military Trail, a distance of 1508.04 ft. to a point; thence South $53^{\circ}-14'-59''$ East a distance of 472.73 ft.; thence North $02^{\circ}-20'-11''$ East a distance of 111.92 ft. to the point of intersection with the Right-of-Way line of Seaboard Coast Line Railroad; thence continue Northwesterly along said railroad Right-of-Way to the point of intersection with the West Right-of-Way line of Military Trail; thence Southerly along the West Right-of-Way line of Military Trail to the point of intersection with the North Right-of-Way line of Dyer Boulevard; thence continue Westerly along said North Right-of-Way line of Dyer Boulevard, said line having a bearing of South $88^{\circ}-28'-12''$ East a distance of 525.95 ft.; thence South $01^{\circ}-53'-30''$ West 372.73 ft.; thence North $88^{\circ}-26'-41''$ West a distance of 1153.0 ft.; thence northerly and parallel with the West Right-of-Way line of Military Trail a distance of 372.00 ft. to the North Right-of-Way line of Dyer Boulevard; thence Westerly along the north Right-of-Way of Dyer Boulevard to the point of intersection with the East Right-of-Way line of Haverhill Road as established and now in use; thence Northerly along the West section line of Section 36 to the Southwest corner of Section 25; thence Westerly along the South Section line of Section 26 to the point of intersection with the East Right-of-Way of Haverhill Road; thence Northwesterly along said Right-of-Way line to a point 150 ft. West of the West section line of Section 25; thence northerly along a line parallel and 150 ft. west of said section line a distance of 455.40 ft.; thence North

85°-06'-49" West a distance of 354.34 ft. to a point on the East Right-of-Way of Haverhill Road; thence Northwesterly along said Right-of-Way to the point of intersection with the Seaboard Coast Railroad South Right-of-Way line; thence Southeasterly along said Right-of-Way to the point of intersection with the West section line of Section 25; thence Northerly along said section line to the Northwest corner of section 25; thence Easterly along North section line of said section 25 to the Northeast corner of Section 25; thence Easterly along the north section line of Section 30 to a point of intersection with the east right-of-way of I-95, thence northerly along said right-of-way to the point of intersection with the south right-of-way line of Investment Lane; thence easterly along said right-of-way to a point on said right-of-way line said point being 714.59 ft. easterly of the east right-of-way line of I-95; thence south 04°08'32" East to a point on the north section line of Section 30; thence westerly along said section to a point 421.06 ft. east of the northwest corner of Section 30; thence South 02°19'24" West to a point on the North right-of-way of Central Industrial Drive North; thence Westerly along said right-of-way and the westerly extension of said North right-of-way to a point on the west right-of-way line of S.R. 9 (I-95); thence Southerly along said right-of-way of S.R. 9 (I-95) to a point intersecting with the easterly extension of the north right-of-way of Leo Lane; thence westerly along the north right-of-way line of Leo Lane to a point \pm 735.48ft. West of the east section line of Section 25; thence southerly at a right angle to the right-of-way of Leo Lane a distance of \pm 688 ft. to the south line of north one half of the northeast quarter of section 25; thence easterly along said line to the point of intersection with the West Right-of-Way of a drainage canal, said line being 80 ft. west of the West Right-of-Way line of S.R. 9 (I-95); thence southerly along said west canal right-of-way to the North Right-of-Way line of a drainage canal; thence westerly along said north canal Right-of-Way line to the point of intersection with the East Right-of-Way line of Military Trail; thence southerly along said right of way line 915 ft.; thence westerly to the West Right of Way line of Military Trail; thence southerly to a point on the West Right-of-Way line of Military Trail, said point is 200 ft. north of the North Right-of-Way line of Blue Heron Blvd; thence westerly a distance of 200 ft; thence southerly to the Right-of-Way line of Blue Heron Blvd, thence easterly to the point of intersection with the northeast corner of Military Trail and Blue Heron Blvd. Northerly following the said Right-of-Way line to a point 190 ft. north of the North Right-of-Way line of Blue Heron Boulevard; thence Easterly, parallel with and 190.00 ft. north of North Right-of-Way of Blue Heron Boulevard a distance of 190.00 ft.; thence Southerly and parallel with and 190.00 ft. east of East Right-of-Way of Military Trail to the point of intersection with South Right-of-Way of Blue Heron Boulevard; thence South 88°-11'-59" East along the said Right-of-Way a distance of 275.01 ft.; thence South 02°-10'-17" West a distance of 1509.60 ft. to a point in the North Right-of-Way of State Road 710; thence South 53°-15'-51" East along said Right-of-Way line a distance of 321.80 ft.; thence South 2°-10'-17" West parallel with East Right-of-Way of Military Trail to a point on the South Right-of-Way of Seaboard Coast Line Railroad; thence Southeasterly along said South Right-of-Way line to the point of intersection with the Westerly Right-of-Way line of South Florida Water Management District Canal C-17; thence Northerly along said Westerly Right-of-Way line of Canal-17 a distance of 770.00 ft. +/- to a point on the North Right-of-Way line of State Road 710 which is on a curve having a radius of 2159.03 ft. and concave to the Northeast; thence proceeding Northwesterly on the arc of said curve a distance of 629.00 ft. +/- to a point on the curve being the Southwest corner of a property (as Recorded in Official Record Book 2992 Page 562

Public Records of Palm Beach County); thence North 01°-56'-54" East a distance of 353.98 ft. to a point; thence North 87°-37'-23" West along the South line of said Northwest quarter (NW 1/4) 800.74 ft. to Southeast corner of Parcel A-1 as shown on Adair and Brady, Inc., Drawing 599; thence North 2°-22'-37" East along East line of the said Parcel perpendicular to the previous course 350.00 ft.; thence North 87°-37'-23" West a distance of 400.00 ft. to the intersection of the East Right-of-Way line of State Road 9; thence North 19°-20'-02" West along said Easterly Right-of-Way line of I-95, 187.57 ft. to a point in the Southeasterly Right-of-Way line of a drainage canal; thence South 70°-39'-58" West along said Canal Right-of-Way line 50.00 ft. to a point in said Easterly Right-of-Way line of I-95; thence North 19°-29'-02" West along said Right-of-Way line of I-95 and West Right-of-Way line of said Canal 1015.15 ft.; thence North 70°-39'-58" East along a line between said Plat No. 2 and Plat No. 1, Interstate Industrial Park (recorded in Plat Book 34, Page 158), a distance of 365.00 ft. to a point in the Southwesterly Right-of-Way line of Interstate Park Road West; thence South 19°-20'-02" East along said Right-of-Way line a distance of 308.67 ft. to a point in the extended Southerly Right-of-Way line of Interstate Parkway thence south 87°-56'-50" East along said Right-of-Way line to a point on the South Right-of-Way of Interstate Parkway, said point being 301.87' from the West Right-of-Way of Garden Road; thence Northerly at right angle with previous course to the South Right-of-Way of Interstate Park Road North; thence Easterly along the said South Right-of-Way to the West Right-of-Way line of Garden Road; thence North along said Right-of-Way line to a point on the South line of Section 30, Township 42 South, Range 43 East, Palm Beach County, Florida; thence westerly along the south section line of section 30 to a point of intersection with the east right of way line of I-95; thence southerly along said right of way to a point 50ft. south of the south section line of section 30; thence easterly end parallel to the south section line of section 30 a distance of \pm 1440.71ft. thence south 02°-03'-10" west a distance of 500.00ft. to a point; thence north 87°-56'-50" west, a distance of 781.78 ft. to a point on the westerly right-of-way line of state road no.9 (I-95); thence northerly along said right-of-way to the point of intersection with the south section line of section 35; said point also being a point of intersection with the west right-of-way line of state road no.9 (I-95); thence North 88°-11'-19" West a distance of 700.13 ft.; thence North 01°-48'-41" West a distance of 400 ft. to the North Right-of-Way line of Blue Heron Boulevard; thence westerly along said right-of-way to the southwest corner of the Plat of Super 8 Center; thence Northerly parallel with East Section line a distance of 600 ft.; thence Easterly a distance of 975.32 ft. to a point on the West Right-of-Way line of State Road #9; thence continue Easterly to the East Right-of-Way of State Road #9 (I-95); thence continue Northwesterly along said Right-of-Way to a point 649.00 ft. North of the North Right-of-Way line of Blue Heron Boulevard; thence South 87°-40'-36" East 853.30 ft.; thence South 02°-19'-24' West 749.00.ft. to a point on the North Right-of-Way line of said Blue Heron Boulevard; thence continue Westerly along the North Right-of-Way line of Blue Heron Boulevard to the point of intersection with the East Right-of-Way line of State Road #9 (I-95); thence Southerly a distance of 200.00 ft. on the South Right-of-Way of Blue Heron Boulevard; thence Southwesterly to the point of intersection with East Right-of-Way line of I-95, thence continue along said East Right-of-Way line to a permanent reference monument as shown on Plat No. 1 of Florida-Georgia; thence South 87°-40'-36" East along North property line of said Plat of Florida-Georgia a distance of 460.99 ft.; thence North 02°-19'-42" East a distance of 200.00 ft. to a point being on the South Right-of-Way line of

Blue Heron Boulevard; thence easterly along said Right-of-Way to the point of intersection with the southerly extension of the east Right-of-Way of Central Industrial Drive; thence northerly along said Right-of-Way to the Northwest corner of Hunt Clement Replat (PB 47, PG 104), thence easterly along the north line of said plat to the northeast corner of said plat, thence southerly along the east line of said plat to the point of intersection with the north Right-of-Way line of Blue Heron Blvd.; thence easterly along said north Right-of-Way to the point of intersection with the West Right-of-Way line of South Florida Water Management District Canal C-17; thence. Northerly along said Right-of-Way line a distance of 1158 ft. to a point 2,739.84 ft. South of the North line of Section 30, said Township and Range; thence North 87°-40'-36" West a distance of 318.42 ft. to a point;. thence South 02°-19'-24" West a distance of 135.00 ft. to a point; thence North 87°-40'-36" West a distance of 367.00 to a point; thence South 02°-19'-24" West a distance of 165.00 ft. to a point; thence North 87°-40'-36" West a distance of 370 ft. to a point; thence North 02°-19'-24" East a distance of 261.00 ft. to a point; thence South 87°-40'-36" East a distance of 370.00 ft.; thence North 02°-19'-24" East a distance of 185.00 ft. to a point; thence North 87°-40'-36" West a distance of 30.00 ft.; thence North 02°-19'-24" East a distance of 313.00 ft.; thence North 87°-40'-36" West a distance of 340.0 ft. to a point of East Right-of-Way line of Central Industrial Drive; thence Northerly along said East Right-of-Way a distance of 220.52 ft.; thence South 87°- 40'-36" East a distance of 1445.40 ft. to the East Right-of-Way line of Garden Road thence Northerly along said Right-of-Way to the point of intersection with the North section line of section 30; thence Easterly along said North section line to the Northwest corner of section 29, Range 43 East, Township 42 South, said point being the point of beginning.

PASSED AND APPROVED on first reading this 3RD day of DECEMBER, 1997.

PASSED AND ADOPTED on second reading this 17TH day of DECEMBER, 1997.

APPROVED:

Clara K. Williams
CLARA K. WILLIAMS, MAYOR

Marge Confrey
MARGE CONFREY, CHAIRPERSON

[MUNICIPAL SEAL]

Lenora Hurley
LENORA HURLEY, CHAIRPERSON PRO-TEM

ATTEST:

Marilyn P. Moffitt
MARILYN MOFFITT

Carrie E. Ward
CARRIE E. WARD, CMC/AAE
CITY CLERK

Francintha "Cynthia" Becton
CYNTHIA BECTON

William N. Burrs
WILLIAM BURRS
COUNCIL MEMBERS

FIRST READING

SECOND AND FINAL READING

MOTIONED BY: M. MOFFITT

MOTIONED BY: MOFFITT

SECONDED BY: W. BURRS

SECONDED BY: HURLEY

M. CONFREY AYE

M. CONFREY AYE

L. HURLEY ABS

L. HURLEY AYE

M. MOFFITT AYE

M. MOFFITT AYE

C. BECTON OUT

C. BECTON AYE

W. BURRS AYE

W. BURRS AYE

CERTIFICATION OF PUBLICATION

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

12/17/97
Date

Carrie E. Ward
Carrie E. Ward, CMC/AE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY

[Signature]
City Attorney
City of Riviera Beach

Date 11-26-97



CITY OF RIVIERA BEACH

600 WEST BLUE HERON BLVD. • RIVIERA BEACH, FLORIDA 33404

OFFICE OF
CITY CLERK

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING will be held on the proposed ordinance at 7:30 p.m., on December 17, 1997, and from time thereafter in the City of Riviera Beach Council Chambers, 600 W. Blue Heron Blvd., at which time the City Council will consider its adoption into law. The ordinance in its entirety may be inspected at the Office of the City Clerk during regular working hours. All interested parties may appear at the meeting and be heard with respect to this proposed ordinance.

Ordinance No. 2766

An ordinance of the City of Riviera Beach Palm Beach County, Florida, accepting petitions for voluntary annexation from two petitioners with parcels of land in the unincorporated area of Palm Beach County, Florida, contiguous to the present boundaries of the City of Riviera Beach; providing for redefining of the municipal boundaries to include said parcels; repealing all ordinances or parts of ordinances in conflict herewith; providing an effective date thereof; and for other purposes in accordance with Section 171.046, Florida Statutes.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at such hearing, he will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Carrie E. Ward, CMC, AAE
City Clerk

PUBLISH: December 6, 1997
FURNISH PROOF OF PUBLICATION

ORDINANCE NO. 2767

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO AMEND THE JOB DESCRIPTIONS OF THOSE CLASSIFICATIONS IN THE SALARY PAY PLAN BY RESOLUTION; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Whereas, Section 2-100(b) of the City Code provides for the rescission, amendment, modification, amplification and clarification of job descriptions, set for therein under the direction of the city manager; and

Whereas, such modification, amendment, rescission, amplification and clarification are subject to the approval of the city council; and

Whereas, prior to the adoption of this Ordinance job descriptions have been amended by ordinance which presents a tedious, cumbersome and inefficient process of amendment.

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

Section 1. That Section 2-100(b) of the City Code is hereby amended by adding the following language:

* * *

"The city manager is hereby authorized to modify job descriptions as set forth hereinabove by resolution, subject to the approval by city council.

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.

ORDINANCE NO. 2767

-2-

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 3RD day of DECEMBER, 1997.

PASSED and **ADOPTED** on second and final reading this 17TH day of DECEMBER, 1997.

APPROVED:

Clara K. Williams
Clara K. Williams
Mayor

Margaret Confrey
Margaret Confrey, Chair

Lenora Hurley
Lenora Hurley, Chair Pro Tem

[Municipal Seal]

Cynthia Becton
Cynthia Becton

Attest:

Marilyn S. Moffitt
Marilyn Moffitt

Carrie E. Ward
Carrie E. Ward, CMC/AE
City Clerk

William H. Burrs
William H. Burrs
City Council Members

ORDINANCE NO. 2767

-3-

1st Reading

2nd & Final Reading

Motioned by: M. MOFFITT

M. MOFFITT

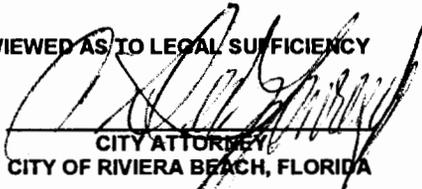
Seconded by: W. BURRS

C. BECTON

M. Confrey	<u>AYE</u>
L. Hurley	<u>ABS</u>
C. Becton	<u>AYE</u>
M. Moffitt	<u>AYE</u>
W. Burrs	<u>AYE</u>

<u>AYE</u>

REVIEWED AS TO LEGAL SUFFICIENCY

By: 
CITY ATTORNEY
CITY OF RIVIERA BEACH, FLORIDA

Date: 12-1-97

CERTIFICATION OF PUBLICATION

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

12/17/97
Date


Carrie E. Ward, CMC/AE, City Clerk



OFFICE OF
CITY CLERK

CITY OF RIVIERA BEACH

600 WEST BLUE HERON BLVD. • RIVIERA BEACH, FLORIDA 33404

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING will be held on the proposed ordinance at 7:30 p.m., on December 17, 1997, and from time thereafter in the City of Riviera Beach Council Chambers, 600 W. Blue Heron Blvd., at which time the City Council will consider its adoption into law. The ordinance in its entirety may be inspected at the Office of the City Clerk during regular working hours. All interested parties may appear at the meeting and be heard with respect to this proposed ordinance.

ORDINANCE NO. 2767

An ordinance of the City of Riviera Beach Palm Beach County, Florida, authorizing the City Manager to amend the job descriptions of those classifications in the salary pay plan by resolution; providing a severability clause and an effective date.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at such hearing, he will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Carrie E. Ward, CMC, AAE
City Clerk

PUBLISH: December 6, 1997
FURNISH PROOF OF PUBLICATION

ORDINANCE NO. 2768

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 2-8 OF THE CITY'S CODE OF ORDINANCES RELATING TO RESIDENCY REQUIREMENTS FOR EXECUTIVE STAFF MEMBERS AS SET FORTH HEREINBELOW; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Whereas, the City Council of the City of Riviera Beach legislatively determines and finds that the residency requirements for executive staff members should be amended as set forth hereinbelow.

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

Section 1. That, Section 2-8. Residency Requirements for Executive Staff Members, is hereby amended to read:

"After the effective date of this ordinance each person who is appointed as a department head, assistant to the city manager or deputy city manager shall establish a residence within the corporate limits of the city or ~~within a radius of five (5) miles in the corporate limits of the City~~ within twelve (12) months of such appointment and shall maintain the principal residence (domicile) therein during the entire term of such appointment. Upon the recommendation of the city manager, this requirement may be waived on an individual case-by-case basis by the city council."

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.

ORDINANCE NO. 2768

-2-

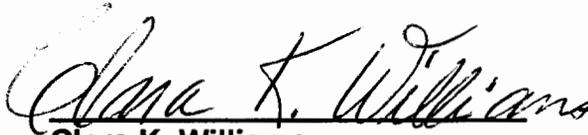
Section 5. Specific authority is hereby granted to codify this Ordinance.

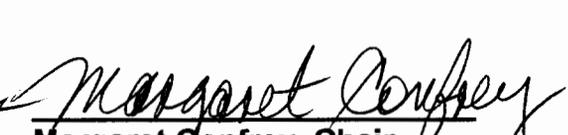
Section 6. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED and **APPROVED** on first reading this 3RD day of DECEMBER, 1997.

PASSED and **ADOPTED** on second and final reading this 16 day of December, 1997.

APPROVED:


Clara K. Williams
Mayor

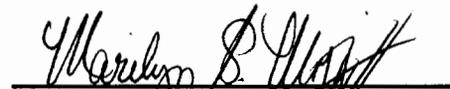

Margaret Confrey, Chair

Lenora Hurley, Chair Pro Tem

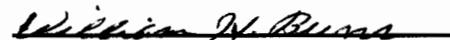
[Municipal Seal]


Cinthia Becton

Attest:


Marilyn Moffitt


Carrie E. Ward, CMC/AAE
City Clerk


William H. Burrs
City Council Members

ORDINANCE NO. 2768

-3-

1st Reading

2nd & Final Reading

Motioned by: W. BURRS

W. BURRS

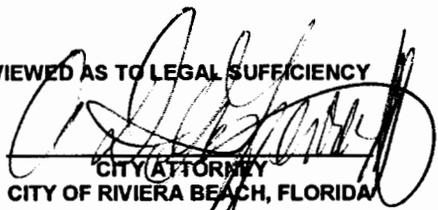
Seconded by: M. MOFFITT

C. BECTON

M. Confrey	<u>AYE</u>
L. Hurley	<u>ABS</u>
C. Becton	<u>AYE</u>
M. Moffitt	<u>AYE</u>
W. Burrs	<u>AYE</u>

<u>AYE</u>

REVIEWED AS TO LEGAL SUFFICIENCY

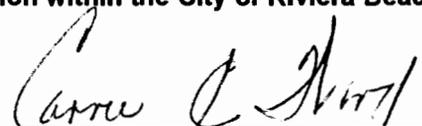
By: 
CITY ATTORNEY
CITY OF RIVIERA BEACH, FLORIDA

Date: 12-11-97

CERTIFICATION OF PUBLICATION

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

12/17/97
Date


Carrie E. Ward, CMC/AE, City Clerk



OFFICE OF
CITY CLERK

CITY OF RIVIERA BEACH

600 WEST BLUE HERON BLVD. • RIVIERA BEACH, FLORIDA 33404

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING will be held on the proposed ordinance at 7:30 p.m., on December 17, 1997, and from time thereafter in the City of Riviera Beach Council Chambers, 600 W. Blue Heron Blvd., at which time the City Council will consider its adoption into law. The ordinance in its entirety may be inspected at the Office of the City Clerk during regular working hours. All interested parties may appear at the meeting and be heard with respect to this proposed ordinance.

ORDINANCE NO. 2768

An ordinance of the City of Riviera Beach Palm Beach County, Florida, amending Section 2-8 of the City's Code of Ordinances relating to residency requirements for executive staff members a set forth hereinbelow; providing a severability clause and an effective date.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at such hearing, he will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Carrie E. Ward, CMC, AAE
City Clerk

PUBLISH: December 6, 1997
FURNISH PROOF OF PUBLICATION

ORDINANCE NO. 2769

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA AMENDING SECTION 14-24, SUBSECTIONS (C)(1) AND (2), CHAPTER 14, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE RETIREMENT SYSTEM FOR GENERAL EMPLOYEES TO PROVIDE A CLARIFICATION OF SOCIAL SECURITY OFFSETS APPLICABLE TO DISABILITY RETIREMENT BENEFITS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Administration Board of the General employees Retirement System has reviewed and applied a specific interpretation concerning the offset of social security benefits against disability retirement benefits, and

WHEREAS, the Retirement System's actuary has provided an opinion that the interpretation applied by the Administration Board of the General Employees Retirement System is appropriate, and

WHEREAS, the City Council deems it to be in the public interest to have a uniform method of applying offsets to Disability Retirement benefits,

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

SECTION 1. That the above recitations are true and correct.

SECTION 2. That Subsections (C)(1) and (2) of Section 14-24 of Article II, Chapter 14 of the Riviera Beach Code is hereby amended by adding the following underlined words and deleting the following stricken-through words:

(c) *Disability.*

- (1) *Service-incurred.* Any member who receives a service-incurred injury, disease or disability as determined by the board, pursuant to subsection or subsection 14-22(e) shall receive in equal monthly installments an amount equal to 66-2/3 percent of earnings in effect at the date of disability less any amount equal to any social security ~~(PIA)~~ disability benefit payable and less any worker's compensation payable and less any disability benefit payable under any other program funded by the city which provides disability or salary continuation by reason of accident or disability. In the event of recovery prior to the normal retirement date, credit for service during the period of disability shall be granted for purposes of subsequent retirement benefits.

- (2) *Nonservice-incurred.* Any member who receives a nonservice-incurred injury, illness, disease or disability, as determined by the board in subsection 14-22(d) or subsection 14-22(e) shall receive in equal monthly installments an amount equal to a maximum of 45 percent of his or her earnings at such time, less an amount equal to any social security disability benefit payable and less any amount payable under any other program of salary continuation or disability benefits maintained by the city. Such benefit shall be payable until normal retirement age at which

time such member shall be paid an amount based upon the formula specified in subsection (a)(1) of this section and based upon his or her accrued service and salary to date of disability. The benefit shall commence after 60 workdays subsequent to the date of disability and shall be payable for life only and cease upon the death of such disabled member.

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

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

PASSED AND APPROVED on first reading
this 17TH day of DECEMBER, 1997.

PASSED AND ADOPTED on second and final
reading this 21ST day of JANUARY, 1997/ 8.

APPROVED:

Clara K. Williams
CLARA K. WILLIAMS, MAYOR

Marge Confrey
MARGE CONFREY,
CHAIRPERSON

(MUNICIPAL SEAL)

Lenora Hurley
LENORA HURLEY
CHAIRPERSON PRO TEM

ATTEST:

Carrie E. Ward
CARRIE E. WARD, CMC/AAE
CITY CLERK

Hyacinthia "Cynthia" Becton
CYNTHIA BECTON

Marilyn J. Moffitt
MARILYN MOFFITT

William H. Burrs
WILLIAM BURRS
COUNCIL MEMBERS

MOTIONED BY: M. Moffitt
SECONDED BY: C. Becton

MOTIONED BY: M. MOFFITT
SECONDED BY: W. BURRS

1st READING

2nd & FINAL READING

M. CONFREY Aye
L. HURLEY Aye
C. BECTON Aye
M. MOFFITT Aye
W. BURRS Aye

AYE
AYE
AYE
AYE
AYE

CERTIFICATION OF PUBLICATION

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

January 21, 1998
Date

Carrie E. Ward
Carrie E. Ward, CMC/AE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY
[Signature]
CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE 12-5-97

ORDINANCE NO. 2770

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 12-17 OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO OBSTRUCTION OF PUBLIC PASSAGEWAYS BY DELETING THE CURRENT SECTION 12-17 IN ITS ENTIRETY AND ADOPTING A NEW SECTION 12-17 TO READ AS SET FORTH HEREIN BELOW AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

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

Section 1. The current section 12-17 of the Code of Ordinances of the City of Riviera Beach relating to obstruction of public passageways is hereby deleted in its entirety.

Section 2. A new section 12-17 of the Code of Ordinances of the City of Riviera Beach is hereby created to read as follows:

Obstruction of Public Passageway

- (1) It is unlawful for any person or persons willfully to obstruct the free, convenient, and normal use of any public street, highway, road, or other public passageway, by impeding, hindering, stifling, retarding, or restraining traffic or other passageway thereon by standing or approaching motor vehicles thereon, or by endangering the safe movement of vehicles or pedestrians traveling thereon; and any person or persons who violate the provisions of this subsection, upon conviction, shall be punished as provided for in section 12-1.

ORDINANCE NO. 2770

- (2) Notwithstanding the provisions of subsection (1) hereof, any commercial vehicle used solely for the purpose of collecting solid waste or recyclable or recovered materials may stop or stand on any public street, highway, or road for the sole purpose of collecting solid waste or recyclable or recovered materials. However, such solid waste or recyclable or recovered materials collection vehicle shall show or display amber flashing hazards lights at all times that is engaged in stopping or standing for the purpose of collecting solid waste or recyclable or recovered materials.

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

PASSED and APPROVED on first reading this 17th day of December 1997.

PASSED and ADOPTED on second and final reading this 7TH day of JANUARY 19978.

ORDINANCE NO. 2770

APPROVED:

Clara K. Williams
CLARA K. WILLIAMS
Mayor

Margaret Confrey
MARGARET CONFREY
Chair

(Municipal Seal)

Lenora Hurley
LENORA HURLEY
Chair Pro Tem

Attest:
Carrie E. Ward
CARRIE E. WARD
City Clerk, CMC/AE

Hypocinthia "Cynthia" Becton
CINTHIA BECTON

Marilyn P. Moffitt
MARILYN MOFFITT

William H. Burrs
WILLIAM H. BURRS
Council Members

MOTIONED BY: Moffitt

M. MOFFITT

SECONDED BY: Hurley

W. BURRS

1st Reading

2nd & Final Reading

M. CONFREY Aye
L. HURLEY Aye
C. BECTON Aye
M. MOFFITT Aye
W. BURRS Aye

AYE
OUT
AYE
AYE
AYE

[PHR/ldf/dpm1103/121597]

REVIEWED FOR LEGAL SUFFICIENCY
[Signature]
CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 12-15-97

ORDINANCE NO. 2770

CERTIFICATION OF PUBLICATION

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

1/8/98
Date

Carrie E. Ward
Carrie E. Ward, CMC/AE, City Clerk

ORDINANCE NO. 2771

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 12-13 OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH, ENTITLED LOITERING AND PROWLING BY DELETING THE CURRENT SECTION IN ITS ENTIRETY AND CREATING A NEW LOITERING AND PROWLING ORDINANCE TO READ AS SET FORTH HEREIN BELOW AND PROVIDING A SEVERABILITY CLAUSE.

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

Section 1. The current section 12-13 of the Code of Ordinances of the City of Riviera Beach relating to loitering and prowling is hereby deleted in its entirety. A new section 12-13 relating to loitering and prowling is hereby created to read as follows:

Loitering or Prowling

- (1) It is unlawful for any person to loiter or prowl in a place, at a time, or in a manner not usual for law abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.
- (2) Among the circumstances which may be considered in determining whether such alarm or immediate concern is warranted is the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstance makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the law enforcement

ORDINANCE NO. 2771

officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have dispelled the alarm or immediate concern. Any person who violates any of the provisions of this section shall upon conviction be punished as provided for in section 12-1.

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

PASSED and APPROVED on first reading this 17th day of December 1997.

PASSED and ADOPTED on second and final reading this 7TH day of JANUARY 19978.

ORDINANCE NO. 2771

APPROVED:

Clara K. Williams
CLARA K. WILLIAMS
Mayor

Margaret Confrey
MARGARET CONFREY
Chair

(Municipal Seal)

Lenora Hurley
LENORA HURLEY
Chair Pro Tem

Attest:
Carrie E. Ward
CARRIE E. WARD
City Clerk, CMC/AAE

Hypocynthia "Cynthia" Becton
CINTHIA BECTON

Marilyn S. Moffitt
MARILYN MOFFITT

William H. Burrs
WILLIAM H. BURRS
Council Members

MOTIONED BY: Burrs

BURRS

SECONDED BY: Hurley

BECTON

1st Reading

2nd & Final Reading

M. CONFREY Aye
L. HURLEY Aye
C. BECTON Aye
M. MOFFITT Aye
W. BURRS Aye

AYE
OUT
AYE
OUT
AYE

[PHR/ldf/dpm1103/121597]

REVIEWED FOR LEGAL SUFFICIENCY
[Signature]

CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 12-15-97

ORDINANCE NO. 2771

CERTIFICATION OF PUBLICATION

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

1/2/28
Date

Carrie E. Ward
Carrie E. Ward, CMC/AAE, City Clerk

ORDINANCE NO. 2772

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 31, ZONING, OF THE CODE OF ORDINANCES BY AMENDING THE CITY'S LAND DEVELOPMENT CODE FOR TEMPORARY LABOR EMPLOYMENT OFFICES AND PAWN SHOPS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR ENFORCEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, legal notice and review procedures were followed in accordance with Section 166.041 (3) (a), *Florida Statutes*, which provides procedures for municipal ordinances; and

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

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

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

SECTION 1. Section 31-1, entitled "Definitions," in Chapter 31 of the Code of Ordinances is hereby amended as follows, wherein the underlined text represents new text to added and text that is struck through represents text to be deleted:

Section 31-1. Definitions.

Temporary Labor Employment Office means an establishment engaged in providing temporary labor for the construction or industrial trades.

Pawn Shop means an establishment that is regularly engaged in the business of loaning money with products being used as collateral for a loan, but does not include financial institutions or any person who regularly loans money or any other thing of value on stocks, bonds, or other securities.

SECTION 2. Section 31-322, entitled "Use regulations," in Chapter 31 of the Code of Ordinances is hereby amended as follows, wherein the underlined text represents new text to added and text that is struck through represents text to be deleted:

Section 31-322

(b) *Special Exception.* The following uses may be permitted by special exception in the CG general commercial district:

(8) ~~Pawn shop.~~ Reserved.

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

(3) Pawn shop.

SECTION 3. Section 31-382, entitled "Use regulations," in Chapter 31 of the Code of Ordinances is hereby amended as follows, wherein the underlined text represents new text to added and text that is struck through represents text to be deleted:

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

(11) Temporary labor employment office.

(12) Pawn shop.

SECTION 4. Section 31-549, entitled "Temporary labor employment office," will be added to Chapter 31 of the Code of Ordinances, wherein the underlined text represents new text to be added:

Section 31-549. Temporary Labor Employment Office.

Temporary labor employment offices, where permitted, must meet the following requirements:

(1) No outside waiting or loitering shall be permitted on the site of the day labor employment office.

(2) No license for a temporary labor employment office shall be issued where the location of such proposed service is within 1,000 feet of another temporary labor employment office. The method of measurement shall be made or taken from the main front entrance of the existing temporary labor employment office to the main entrance of the applicant's place of business along the route of ordinary pedestrian traffic.

SECTION 5. Section 31-550, entitled "Pawn shop," will be added to Chapter 31 of the Code of Ordinances, wherein the underlined text represents new text to be added:

Section 31-550. Pawn Shop.

A pawn shop, where permitted, must meet the following requirement:

- (1) No license for a pawn shop issued where the location of such proposed business is within 1,000 feet of another pawn shop. The method of measurement shall be made or taken from the main front entrance of the existing pawn shop to the main entrance of the applicant's place of business along the route of ordinary pedestrian traffic.

SECTION 6. 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 7. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

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

SECTION 9. This Ordinance shall be effective immediately upon adoption.

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PASSED AND APPROVED on First Reading this 7TH day of JANUARY, 1998.

PASSED AND ADOPTED on Second Reading this 21ST day of JANUARY, 1998.

APPROVED:

Clara K. Williams
CLARA K. WILLIAMS, MAYOR

[MUNICIPAL SEAL]

ATTEST:

Carré E. Ward
CARRIE E. WARD, CMC/AE
CITY CLERK

Marge Confrey
MARGE CONFREY, CHAIRPERSON

Lenora Hurley
LENORA HURLEY, CHAIRPERSON PRO-TEM

Marilyn P. Moffitt
MARILYN MOFFITT

Hycinthia "Cynthia" Becton
CYNTHIA BECTON

William N. Burrs
WILLIAM BURRS
COUNCIL MEMBERS

FIRST READING

MOTIONED BY: M. MOFFITT

SECONDED BY: L. HURLEY

M. CONFREY AYE

L. HURLEY AYE

M. MOFFITT AYE

C. BECTON AYE

W. BURRS AYE

SECOND AND FINAL READING

MOTIONED BY: C. BECTON

SECONDED BY: L. HURLEY

M. CONFREY AYE

L. HURLEY AYE

M. MOFFITT AYE

C. BECTON AYE

W. BURRS AYE

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CERTIFICATION OF PUBLICATION

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

January 21, 1998
Date

Carrie E. Ward
Carrie E. Ward, CMC/AAE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY

[Signature]
City Attorney
City of Riviera Beach

Date _____