ORDINANCE NO. 2140

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA ACCEPTING PETITIONS FOR VOLUNTARY ANNEXATION OF CERTAIN 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 THE CHAPTER 171, SECTION 171.044 FLORIDA STATUTES 1979.

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 Pollutiton 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 following Petitions and Affidavits for Voluntary Annexation by owner of the property in the Reserve Annexation Area have been submitted for annexation of their property adjacent to the City of Riviera Beach. Copies of said Petitions and Affidavits for Voluntary Annexation are attached and made a part of this Ordinance, and

PETITION # 1.

OWNERS: Palm Beacher Drapery & Bedspread, Inc.

PROPERTY CONTROL NO. 00-42-42-36-01-000-0030
00-42-42-36-01-000-0010

LEGAL: All of Tract"A"of Plat #1, WESTROADS BUSINESS & INDUSTRIAL PARK, according to the Plat thereof recorded in Plat Book 29 Pg. 137, Public Records of Palm Beach County, Florida less the East 520.01 ft. thereof containing 2.235 acres, more or less.

PETITION # 2.

OWNERS: Farish-LaMariana

PROPERTY CONTROL NO. 00-42-42-36-02-002-0010

LEGAL: Tract"C" WESTROADS BUSINESS AND INDUSTRIAL PARK, Plat 2 Plat Book 29 Pg. 193 (N.W. corner of Westroads Drive & 42nd St.)

PETITION # 3.

OWNERS: C.C. Boys

PROPERTY CONTROL NO. 00-42-42-36-04-006-0010

LEGAL: Beginning at the Northeast corner of Tract "C" Plat No. 2 WESTROADS BUSINESS AND INDUSTRIAL PARK, according to the Plat thereof recorded in Plat Book 29, Pg. 193, of the Public Records of Palm Beach County, Florida; thence North 87°52'34" West along the North line of said Tract "C" a distance of 303.00 feet to the Northwest corner thereof, thence North 2°20'11" East along the East line of Tract "D" of said Plat No. 2 a distance of 210.00 feet; thence South 87°52'34" East, a distance of 303.00 feet; thence South 2°20'11" West a distance of 210.00 feet to the Point of Beginning, a/k/a the South 210 feet of Tract "E", Plat No. 3, WESTROADS BUSINESS AND INDUSTRIAL PARK, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, recorded in Plat Book 30, Pgs. 145 and 146.

PETITION # 4.

OWNERS: United Acceptance Corp.

PROPERTY CONTROL NO. 00-42-42-36-02-003-0013

LEGAL: The North 190 feet of the South 650 feet of Tract "D", Plat No. 2, WESTROADS BUSINESS AND INDUSTRIAL PARK, according to the Plat thereof, as recorded in Plat Book 29, Pg.193, Public Records, Palm Beach County, Florida.

PETITION #5.

OWNERS: Bond Plumbing Supply Inc. of WPB.
PROPERTY CONTROL NO. 00-43-42-31-00-000-7050

LEGAL: A parcel of land in the Southwest quarter of Section 31, Township 42 South, Range 43 East, more particularly described as follows: Commencing at the intersection of the West Right of Way line of Garden Road and the North line of said Southwest quarter, thence run North 87°35'17" West a distance of 423.8 feet to a point; thence run South 01°56' 54" West a distance of 193.09 feet to the Point of Beginning; thencerun South 82°30'24" East a distance of 413.63 feet to a point in the West Right of Way line of Garden Road; thence run Southerly along said West Right of Way line to its intersection with the Northerly Right of Way line of State Road 710; thence run Northwesterly on said State Road 710 Right of Way line an arc distance of 391.07 feet; thence run North 1°56'54" East a distance of 160.89 feet to the Point of Beginning.

Subject to an Easement Recorded in Official Record Book 2299, Pg. 876.

PETITION #6.

OWNERS: Command Office Furniture Inc.
PROPERTY CONTROL NO. 00-43042-31-00-000-7040

LEGAL: From the quarter section corner in the East line of Section 31, Township 42 South, Range 43 East, Palm Beach County, Florida; run thence North 87°39'55" West on the East-West quarter section line a distance of 2876.15 feet to a point 215.00 feet WEst of the Center of said Section 31, said point being on the Westerly Right of Way line of Central & Southern Florida Flood Control District Canal "C-17" and is the point of Beginning of the parcel herein conveyed; thence continue North 87°39'55" West on said quarter section line a distance of 105.0 feet to a point on the Easterly Right of Way line if Garden Road, as now laid out and in use; thence run South 02°33'05" West on said Easterly Right of Way line a distance of 56.62 feet to the beginning of a curve, concave to the West and having a radius of 1950.08 feet and a central angle of 12°21'14"; thence continue Southerly on said Easterly Right of Way line, on the arc of said curve, a distance of 420.47 feet to the end of said curve; thence run South 14°54'19" West a distance of 24.02 feet to a point on the Northerly Right of Way line of State Road 710, which Right of Way line is a curve, concave to the North and having a radius of

2159.83 feet; thence run Easterly in the arc of said curve a distance of 157.38 feet to a point on the aforesaid Westerly Right of Way line of Canal "C-17"; thence run North 2°33'05" East on said Westerly Right of Way line a distance of 523.14 feet, more or less, to the point of beginning. Less the North 210 feet thereof.

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

(a) The petitioners are owners of the properties described therein.

(b) The petitions bear the notarized signatures of owners of property in the area 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 are 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 parcels at 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, under Section 171.004 Voluntary Petition, F.S. 1979.

WHEREAS, the City of Riviera Beach has furnished its municipal utilities, e.g, water and sewer to subject properties for development purposes:

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

SECTION 1. Pursuant to Chapter 171. Section 171.044 Voluntary Annexation, Florida Statutes, 1979, City of Riviera Beach, Florida, hereby declares its intent and desire to extend its municipal boundaries to include the above described properties after the approval of this Ordinance on second and final reading:

SECTION 2. This Ordinance shall be read by title on first reading, and shall be published in its entirety once a week for four (4) 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 its passage and adoption, and the annexation shall become effective on December 31, 1981.

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 effect 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 properly proposed to be annexed when the annexation is final.

SECTION 7. The corporate limits of the City of Riviera Beach are hereby redefined to include subject petitions as follows:

"Beginning at the North West corner of Section 29, Range 43 East, Township 42 South, of the Tallahassee Meridan, 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 Water-

way thence Northerly along said centerline of the Intracoastal Waterway to the point of intersection with a line parallel to and 1,294 feet 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 feet South of, the North line of Section 10, of said Township and Range; thence easterly along said parallel line to the water's edge of the Atlantic Ocean; thence southerly along the water's edge of the Atlantic Ocean to a point in the easterly extension of a line parallel and 998.96 feet South of the South line of a tract of land in Palm Beach County known as Replat of 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 center line 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 31, of said Township and Range; thence Northerly along the East line of said Section 31, to the North Right-of-Way line of State Road 710; thence westerly along the North line of State Road

710 to its point of intersection with the proposed centerline of Congress Avenue Right of Way; thence southerly along said centerline to its point of intersection with the Southern Right of Way line of the Seaboard Coast Line Railroad Right of Way as now established; thence southeasterly along said South Right of Way line to its point of intersection with the South line of said Section 31, Township 42 South, Range 43 East; thence westerly along said South line of Section 31, to the Southeast corner of Section 36, Township 42 South, Range 42 East; thence continuing westerly along said South line of Section 36, 2610 feet ± to its point of intersection with the East Right of Way line of intersection with the East Right of Way line of Military Trail; thence northerly along said Right of Way line 267 feet to the point of intersection with a line parallel with and 267 feet north from measured at right angles to the South line of Section 36, thence easterly along said line a distance of 510 feet to the point of intersection with the West Right of Way line of the North Palm Beach Water Control District Canal as now established; thence northerly along said Westerly Canal Right of Way line 723 feet to a point 230 feet North of the North West corner of said North Palm Beach Canal Right of Way; thence easterly along a line parallel to and 230 feet North of the northerly most Right of Way line of said Canal 573.80 feet to a point 1527.09 feet West of the East line of Section 36, Township 42 South, Range 42 East; thence northerly along a line parallel to and 1527.09 feet West of the East line of said Section 36 a distance of 330 feet to a point; thence westerly along a line bearing North

88°07'21" West 1183.80 feet to the westerly Right of Way line of Military Trail (State Road 809); thence southerly along the westerly Right of Way line of said Military Trail 1320 feet to the South line of Section 36, thence westerly along said South line of Section 36, 2598.88 feet 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 long the West line of said Section 36, 2583.36 feet to a point 52.5 feet South of the East West center section line of said Section 36; thence easterly along a line parallel to and 52.5 feet south of the East-West Center Section line of said Section 36- 2690 feet to the East Right of Way line of Military Trail (State Road 809); thence northerly along the East Right of Way line of Military Trail 52.5 feet to the East-West Center Section line of said Section 36; thence easterly along said East-West center Section line also the South Right of Way line of East Palm Beach Canal a distance of 10.00 feet to a point designated as a Point of Beginning as shown on Plat No. 1 WESTROADS BUSINESS and INDUSTRIAL PARK and recorded in Plat Book 29, Page 137, Public Records of Palm Beach County; thence North 02°20'11" East along the East Right of Way line of Military Trail, 270.09 feet to a point of curvature; thence northeasterly along a 25 feet 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°52'34" East along said South Right of Way line of Westroads Drive 355.09 feet to a point; thence South 02°20'11" West 295.00 feet to a point in the South Right of Way line of said East Palm Beach 9 Canal and in said East-West Center Section

line; thence South 87°52'34" East along said Canal Right of Way line and Center Section line 580.01 feet 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°20'11" East along the West boundary line of Tract "B" of said Plat No. 2 a distance of 345.00 feet to a point in the North Right of Way line of Westroads Drive; thence South 87°52'34" East along the North Right of Way line of Westroads Drive, a distance of 38.00 feet to a point; thence North 02°20'11" East a distance of 460.00 feet to a point in the Westerly Plat line of Plat No. 3 WESTROADS BUSINESS and INDUSTRIAL PARK and Recorded in Plat Book 30, Page 145 and 146, Public Records of Palm Beach County; thence North 87°52'34" West 303.00 feet to a point in the East Right of Way line of White Drive; thence North 02°20'11 East along said East Right of Way line a distance of 190.00 feet to a point; thence South 87°52'34" East a distance of 303.00 feet to a point on the West property line of Tract "F"; thence North 02°20'11" East along the West property line of said Tract "F" a distance of 573.66 feet to a point designated as a permanent reference monument, number 1686 on the southwesterly Right of Way line of the Sea Coast Railroad as now established; thence southeasterly along said Southwesterly Right of Way line/ 4,914.13 feet ± to the point of intersection with the westerly Right of Way line/ of Central and Southern Florida Flood Control District Canal C-17; thence Northerly along said Westerly Right of Way line of Canal C-17 a distance of 770 feet ± 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 feet and concave to the Northeast; thence proceeding Northwesterly on the arc of said curve a distance of 629 feet ± to a point on the curve

being the Southwest corner of a property as Recorded in the Official Record Book 2992 Page 562 Public Records of Palm Beach County; thence North 01°56'54" East a distance at 160.83 feet to a point on the Northwest corner of said property; thence South 82°30'24" East a distance of 494 feet ± to a point on the East Right of Way line of Garden Road said point being on a curve having a radius of 1950.08 feet; thence Northeasterly along arc of said curve a distance of 20 feet ± to a point that is the Northwest corner of a property as recorded in Offical Record Book 3431 Page 1364; thence proceeding easterly along the Northern boundary of said property a distance of 111.01 feet to a point on the West Right of Way line of Central and Southern Florida Flood Control District Canal "C-17"; thence North 02°33'05" East along said West Canal Right of Way line a distance of 210 feet to a point being the point of beginning of a property as Recorded in Official Record Book 2922 Page 1444; thence North 87°39'55" West along East-West Center Section line of Section 31 a distance of 105 feet to a point on the East Right of Way line of Garden Road and being the West Right of Way line of Central and Southern Florida Flood Control District Canal "C-17"; thence Northerly along said East Right of Way line of Garden Road a distance of 600.00 feet to the point of intersection with the easterly extension of the South line of an area of land in Palm Beach County known as Plat No. 2 Interstate Industrial Park and Recorded in Plat Book 39, Pages 131 and 132 Public Records of Palm Beach County; thence North 87°35'17" West a distance of 1222.49 feet to the Easterly Right of Way line of I-95 (State Road No. 9); thence North 19°20'02" West along said easterly Right of Way line of I-95, 187.57 feet 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 feet to a point in said Easterly Right of Way line of I-95; thence North 19°20'02" West along said Right of Way line of I-95 and West Right of Way line of said Canal 1585.35 feet to a point of curvature; thence Northwesterly along a 2714.93 foot radius curve an arc distance of 405,68 feet to a point 50 feet South of the North line of Section 31, Township 42 South, Range 43 East; thence South 87°56'50" East a distance of 61.57 feet to a point, thence southeasterly along a line parallel to and 60 feet East of the Easterly Right of Way line of I-95 and arc distance of 383.04 feet to a point; thence South 19°20'02" East a distance of 570.35 feet to a point designated as a Point of Beginning as shown in Plat No. 2, Interstate Industrial Park, and Recorded in Plat Book 39, Pages 131 and 132, Public Records of Palm Beach County; 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 340.00 feet 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 feet to a point in the extended southerly Right of Way line of Interstate Park Way; thence South 87°56'50" East along said Right of Way line a distance of 742.74 feet to a point; thence South 02°03'10 West a distance of 350.00 feet to a point; thence South 87°56'50" East a distance of 566.00 feet to the Western Right of Way line of Central and Southern Florida Flood Control District Canal C-17 ; thence North 02°37'43" East along said Western Right of Way line of said Canal C-17 a distance of 1460.28 feet to its point of intersection with the South line of Section 30, Township 42 South, Range 43 East, Palm Beach County, Florida; thence North 00°53'56" West along said Western Right of Way line of Canal C-17, a distance of 815.18 feet to a point, thence North 87°40'36"

West a distance of 1210.66 feet to a point; thence North 02°19'24" East a distance of 400 feet to a point on the southerly Right of Way line of Blue Heron Boulevard as recorded in Road Plat Book 2, page 171, Public Records, Palm Beach County, Florida, thence South 87°40"36" East along said southerly Right of Way line, a distance of 275 feet to a point; thence North 02°19'24" East a distance of 46 feet to a point; thence South 87°40'36" East a distance of 935.66 feet to its point of intersection with the West Right of Way line of Central and Southern Florida Flood Control District Canal C-17; thence northerly along said West Right of Way line a distance of 1158 feet to a point 2,739.84 feet south of the North line of Section 30, said Township and Range; thence North 87°40'36" West a distance of 398.42 feet to a point; thence South 02°19'24" West a distance of 135.0 feet to a point; thence North 87°40'36" West a distance of 367.00 feet to a point; thence North 02°19'24" East a distance of 281.00 feet to a point; thence North 87°40'36" West a distance of 30 feet to a point; thence North 02°19'24" East a distance of 533.52 feet to a point; thence South 87°40'36" East a distance of 1105.40 feet to the East Right of Way line of Central and Southern Florida Flood Control District Canal C-17; thence southerly along said easterly Right of Way line a distance of 567.41 feet to the East-West Center line of said Section 30, said Township and Range; thence easterly along said East-West Center line a distance of 2000 feet ± to a point 668 feet West of the East line of said Section 30; thence northerly along a line parallel to and 668 feet West of the East line of said Section 30, a distance of 653.15 feet to a point; thence easterly at a right angle to the proceeding course a distance of 667.90 feet to the East line

of Section 30;thence northerly along said East line a distance of 1974.58 feet 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 4th day of November, 1981.

PASSED and ADOPTED on second and final reading this 2nd day of December, 1981.

This Ordinance shall be effective December 30, 1981.

APPROVED:

Mayor

Robert E. Moultrie
Chairman

(MUNICIPAL SEAL)

Chairman Pro Tem

ATTEST:

Gwendolyn E. Davis
City Clerk

Councilmen

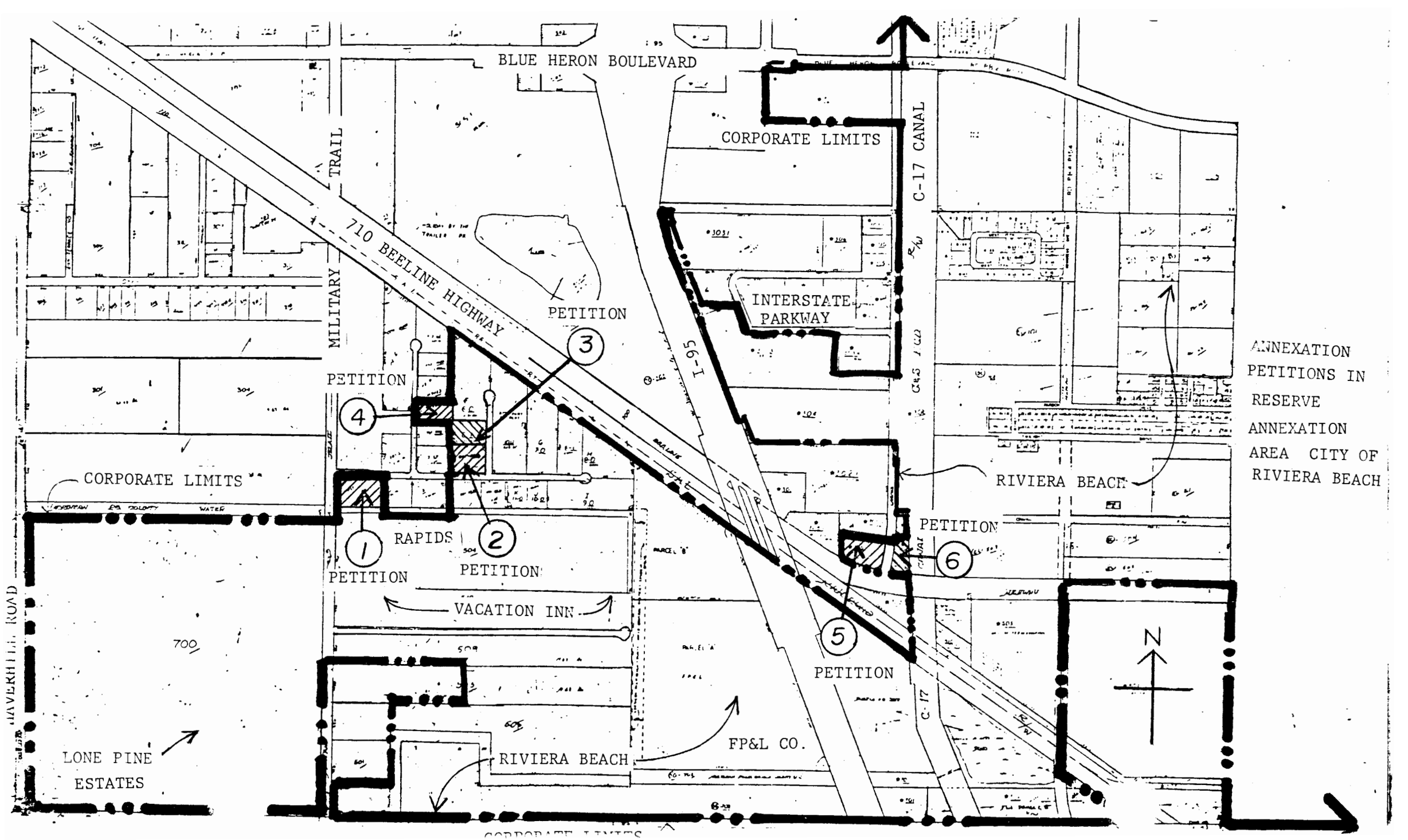
	1ST READING	2ND READING
MOTIONED BY:		G. Adams
SECONDED BY:		R. Dodd
R. MOULTRIE		Aye
G. ADAMS		Aye
R. DODD		Aye
P. BATES		Absent
O. THOMAS		Absent

R.

PUBLICATION DATES

Publish: Nov. 9, 16, 23, 30, 1981

For meeting of Dec. 2, 1981


BLUE HERON BOULEVARD
CORPORATE LIMITS
C-17 CANAL
710 BEELINE HIGHWAY
MILITARY TRAIL
INTERSTATE PARKWAY
I-95
PETITION
3
PETITION
4
CORPORATE LIMITS
RIVIERA BEACH
PETITION
6
1
RAPIDS
2
PETITION
PETITION
VACATION INN
5
PETITION
C-17
FP&L CO.
RIVIERA BEACH
LONE PINE ESTATES
N
ANNEXATION PETITIONS IN RESERVE ANNEXATION AREA CITY OF RIVIERA BEACH

ORDINANCE NO. 2141

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ESTABLISHING A FULL-TIME LEGAL DEPARTMENT, ITS COMPOSITION, APPOINTMENT, REMOVAL, COMPENSATION, QUALIFICATIONS FOR, POWERS, DUTIES AND RESPONSIBILITIES OF, LIMITATIONS ON CITY ATTORNEY'S AUTHORITY; FURTHER PROVIDING A REPEALING CLAUSE, SAVING CAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

It is hereby enacted a new Article establishing a full-time Legal Department which reads as follows:

ARTICLE VII LEGAL COUNSEL

SECTION 1. Composition of Department.

The Legal Counsel for the City shall be organized into a Legal Department composed of a full-time City Attorney, who is the Department Head, and such Assistant City Attorneys, special counsel and employees as shall be necessary and provided for in the budget.

SECTION 2. Appointment of City Attorney.

The City Council shall appoint a City Attorney, such Assistant City Attorneys and special counsel as may be deemed necessary. Special Counsel may be appointed as the need arises and shall serve at the pleasure of Council.

SECTION 3. Removal from Office.

The City Attorney, Assistant City Attorneys, and special counsel shall hold office at the pleasure of a majority of the Council, provided that the City Attorney shall not be removed from office during the period sixty (60) days following any regular City election except by the affirmative vote of four (4) members of the City Council.

SECTION 4. Compensation.

The City Council shall set the salary of the City Attorney and Assistant City Attorneys at a sum commensurate with the duties imposed on them. All special or unusual services required of the City Attorney and Assistant City Attorneys may be specially compensated as the Council may see fit to provide.

SECTION 5. Qualifications.

The City Attorney and all Assistant City Attorneys shall be members of the Florida Bar in good standing.

SECTION 6. Powers, Duties and Responsibilities of City Attorney.

The City Attorney shall have the following powers, duties and responsibilities:

(1) To be attorney of record in all Civil suits, actions and legal proceedings wherein the City, City Council, City Manager, departments, boards or City officials or employees are parties by virtue of their official positions or official actions.

(2) To institute and prosecute all eminent domain proceedings and other Civil suits, actions and legal proceedings authorized by the City Council.

(3) To defend all Civil suits, actions and legal proceedings brought against the City.

(4) To be Prosecuting Attorney for the City in all ordinance violation cases brought before and tried in the County Court.

(5) To serve as Legal Advisor to the City Council, the City Manager, and through the Office of the City Manager, advise department heads, City boards and City officers.

(6) To render written legal opinions requested by the City Council or City Manager on matters relating to City government and the interpretation, construction and meaning of the Charter, Statutes, Ordinances, Resolutions and contracts affecting or pertaining to City government.

(7) To prepare, or review and approve as to form and legal sufficiency, all City ordinances, resolutions, deeds, contract documents, and other legal instruments affecting or pertaining to the City.

(8) To attend all regular, special and workshop meetings of the City Council.

(9) To prepare and submit to the City Council annually a written report concerning the work and activities of the Legal Department.

(10) To prepare the Legal Departmental budget.

(11) To try cases and participate in decisions whether through certiorari or appeal; handle appeals cases in district court, circuit court, state supreme court or higher federal court.

(12) To perform legal services required in the acquisition and sale of land.

(13) The City Attorney shall supervise and assign the workload of all Legal Department employees in compliance with any contracts for service to the City entered into by any employee of the department.

(14) The City Attorney and any Assistant City Attorneys are not permitted to have any outside legal practice inconsistent with or in conflict with their duties as "City Attorney" and "Assistant City Attorneys".

(15) To perform such other related duties and functions as may be assigned them by the City Council or ordinance.

SECTION 7. Limitations on City Attorney's Authority.

The City Attorney shall not compromise, settle or adjust against the City without prior approval of the City Council, nor offer to confess judgement against the City, nor accept service of process in any suit or action against the City. The City Attorney shall not employ special counsel without the prior approval of the City Council.

SECTION 8. Employment of Special Counsel.

The City Council may employ special counsel for specific needs of the City rather than utilizing services of the City Attorney.

SECTION 9. All Ordinances or parts of Ordinances or Charter provisions in conflict herewith are to the extent of such conflict repealed.

SECTION 10. In the event that any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

SECTION 11. Specific authority is hereby granted to codify this Ordinance.

SECTION 12. This Ordinance shall take effect upon its final passage and adoption by the City Council.

Signatures on Page Four (4).

PASSED and APPROVED on first reading this 4th day of November, 1981.

PASSED and ADOPTED on second and final reading this 18th day of November, 1981.

APPROVED:

Mayor

Chairman

Chairman Pro Tem

(MUNICIPAL SEAL)

ATTEST:

City Clerk

Councilmen

	1ST READING	2ND READING
MOTIONED BY:		
SECONDED BY:		
R. MOULTRIE		
G. ADAMS		
R. DODD		
P. BATES		
O. THOMAS		

The below Bill described below by title only will be placed on second and final reading at the Regular Meeting of the City Council of the City of Riviera Beach, Florida to be held on Wednesday, November 18, 1981 at 7:30 P.M. at the City Hall, 600 West Blue Heron Blvd. and from time to time thereafter as may be necessary for the purpose of enactment of the following Ordinance:

ORDINANCE NO. 2141

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ESTABLISHING A FULL-TIME LEGAL DEPARTMENT, ITS COMPOSITION, APPOINTMENT, REMOVAL, COMPENSATION, QUALIFICATIONS FOR, POWERS, DUTIES AND RESPONSIBILITIES OF, LIMITATIONS ON CITY ATTORNEY'S AUTHORITY; FURTHER PROVIDING A REPEALING CLAUSE, SAVING CAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

SAID ORDINANCE MAY BE INSPECTED BY THE PUBLIC AT ANY TIME DURING WORKING HOURS IN THE CITY CLERK'S OFFICE

Interested parties may appear at said meeting and be heard with respect to the Ordinance.

Publish: November 11, 1981

ORDINANCE NO. 2142

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE FIRST AND SECOND PARAGRAPHS OF SECTION 2-118 ENTITLED "APPOINTED PERSONNEL" OF DIVISION 3 ENTITLED "SALARY PLAN" OF ARTICLE VI ENTITLED "CITY EMPLOYEES" OF CHAPTER 2 ENTITLED "ADMINISTRATION" OF THE CODE OF ORDINANCES BY ADDING THERETO THE POSITIONS ASSISTANT CITY ATTORNEY, FIRE TRAINING AND RECRUITING OFFICER, ASSISTANT BUILDING OFFICIAL, REFUSE SUPERINTENDENT, REVISING TITLE OF DIRECTOR OF FINANCE/TREASURER AND DELETING THE TITLES MUNICIPAL JUDGE, JUDGE AD LITEM, PUBLIC DEFENDER, CITY MANAGER, SAFETY ENGINEER AND ASSISTANT FINANCE DIRECTOR; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. That the first paragraph of Section 2-118 entitled "Appointed personnel" of Division 3 entitled "Salary plan" of Article VI entitled "City Employees" of Chapter 2 entitled "Administration" of the Code of Ordinances is amended to read:

"The following positions are created by the City Council and the persons occupying the positions enumerated herein shall not be subject to civil service rules and regulations. The following shall be appointed in conformance with the charter by the City Council:

City Manager
Chief of Police
City Attorney
Assistant City Attorney
City Prosecutor
City Prosecutor Ad Litem
City Clerk
Director of Finance/~~treasurer~~
~~Municipal Judge~~
~~Judge Ad Litem~~
~~Public Defender~~

SECTION 2. That the second paragraph of Section 2-118 entitled "Appointed personnel" of Division 3 entitled "Salary plan" of Article VI entitled "City Employees" of Chapter 2 entitled "Administration" of the Code of Ordinances is amended to read:

"The following shall be appointed in conformance with the Charter by the city manager, subject to approval by the city council:

Chief of fire department
Fire training & recruiting officer
Director of public works
City engineer
Director of community Development and environmental control
Director of utilities
Building official
Assistant building official
Administrative assistant to director of public works
Refuse superintendent
Director of personnel
Supervisor of utilities billing & collection
Assistant to city manager
~~city manager~~
Library director
~~Safety engineer~~
Administrative assistant to building official
~~Assistant finance director~~
Purchasing director

SECTION 3. Any person, firm or corporation convicted of a violation of any of the provisions of this Ordinance shall be punished as prescribed in Section 1.8 entitled "General penalty" of the Code of Ordinances.

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

SECTION 5. In the event that any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not thereby be affected.

SECTION 6. Specific authority is hereby granted to codify this Ordinance.

SECTION 7. This Ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED AND APRROVED on first reading this 4th day of November, 1981.

PASSED AND ADOPTED on second and final reading this 18th day of November, 1981.

APPROVED:

Mayor

Chairman

Chairman pro Tem

MUNICIPAL SEAL

ATTEST:

City Clerk

Councilmen

November 5, 1981

The below described by title only will be placed on second and final reading at the Regular Meeting of the City Council of the City of Riviera Beach, Florida to be held on Wednesday, November 18,1981 at 7:30 P.M. at the City Hall, 600 West Blue Heron Blvd. and from time to time thereafter as may be necessary for the purpose of enactment of the following Ordinance:

ORDINANCE NO. 2142

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE FIRST AND SECOND PARAGRAPHS OF SECTION 2-118 ENTITLED "APPOINTED PERSONNEL" OF DIVISION 3 ENTITLED "SALARY PLAN" OF ARTICLE VI ENTITLED "CITY EMPLOYEES" OF CHAPTER 2 ENTITLED "ADMINISTRATION" OF THE CODE OF ORDINANCES BY ADDING THERETO THE POSITIONS ASSISTANT CITY ATTORNEY, FIRE TRAINING AND RECRUITING OFFICER, ASSISTANT BUILDING OFFICIAL, REFUSE SUPERINTENDENT, REVISING TITLE OF DIRECTOR OF FINANCE/TREASURER AND DELETING THE TITLES MUNICIPAL JUDGE, JUDGE AD LITEM, PUBLIC DEFENDER, CITY MANAGER, SAFETY ENGINEER AND ASSISTANT FINANCE DIRECTOR; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

SAID ORDINANCE MAY BE INSPECTED BY THE PUBLIC AT ANY TIME DURING WORKING HOURS IN THE CITY CLERK'S OFFICE

Interested parties may appear at said meeting and be heard with respect to the Ordinance.

Publish: November 11, 1981

ORDINANCE NO. 2143

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING WATER RATES AND PROCEDURES, SEWER RATES AND PROCEDURES, PROVIDING WATER AND SEWER REGULATIONS AND EXTENSION OF MAINS, FURTHER PROVIDING A REPEALING CLAUSE, PENALTY CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. ARTICLE I -WATER RATES AND PROCEDURES
ARTICLE II -SEWER RATES AND PROCEDURES
ARTICLE III-WATER AND SEWER REGULATIONS
ARTICLE IV -EXTENSION OF MAINS

SECTION 2. Chapter 22 entitled "Water and Sewer" of the Code of Ordinances, a copy of which is attached hereto and made a part of this Ordinance, is repealed in its entirety and all Ordinances or parts of Ordinances or Charter provisions in conflict herewith are to the extent of such conflict.

ARTICLE I - WATER RATES AND PROCEDURES

Application for service.

All applications for water service are to be made to the office of the Utility Billing Division.

Chapter constitutes agreement.

The provisions of this chapter and the rules and regulations concerning the waterworks and rates shall be considered as part of the contract for services between the municipality and the property owning patrons, as well as, nonproperty owning patrons of the waterworks.

Water rates.

There is hereby established a schedule of rates and provisions relating to connection charges, water consumption charges, billing deposits, a standby service, testing of meters, capital improvements charge, readiness-to-serve charge and other related charges and provisions.

CITY OF RIVIERA BEACH, FLORIDA
WATER SERVICE RATE SCHEDULE

AVAILABILITY:

Applicable to all water service within the territory served by the City of Riviera Beach, Florida.

SCHEDULE OF WATER RATES

All water consumption will be charged on monthly metered water as per the following usage table. Usage is represented in thousands (1000) of gallons. All usage is priced per thousand (1000) gallons.

READINESS TO SERVE	SINGLE-FAMILY	MULTI-FAMILY
First Unit	$3.75	$3.75
Additional Units	----	3.75
USAGE		
First 3,000 Gallons	$0.50	$0.50
Next 3,000 Gallons	0.85	0.85
Next 4,000 Gallons	1.15	1.15
Next 5,000 Gallons	1.35	1.35
Next 5,000 Gallons	1.55	1.55
Over 20,000 Gallons	1.75	1.75

COMMERCIAL

3/4 METER		1" METER	
READINESS TO SERVE	$3.75	READINESS TO SERVE	$11.25
USAGE		USAGE	
First 10,000 Gallons	$1.00	First 30,000 Gallons	$ 1.00
Next 20,000 Gallons	1.20	Next 60,000 Gallons	1.20
Over 30,000 Gallons	1.40	Over 90,000 Gallons	1.40
1-1/2" METER		**2" METER**	
READINESS TO SERVE	$22.50	READINESS TO SERVE	$45.00
USAGE		USAGE	
First 60,000 Gallons	1.00	First 120,000 Gallons	1.00
Next 120,000 Gallons	1.20	Next 240,000 Gallons	1.20
Over 180,000 Gallons	1.40	Over 360,000 Gallons	1.40
3" METER		**4" METER**	
READINESS TO SERVE	$75.00	READINESS TO SERVE	$150.00
USAGE		USAGE	
First 600,000 Gallons	$1.00	First 900,000 Gallons	1.00
Next 1,200,000 Gallons	1.20	Next 1,800,000 Gallons	1.20
Over 1,800,000 Gallons	1.40	Over 2,700,000 Gallons	1.40

6" METER			8" METER		
READINESS TO SERVE		$288.75	READINESS TO SERVE		$502.50
USAGE			USAGE		
First	1,200,000 Gallons	$1.00	First	1,500,000 Gallons	$1.00
Next	2,400,000 Gallons	1.20	Next	3,000,000 Gallons	1.20
Over	3,600,000 Gallons	1.40	Over	4,500,000 Gallons	1.40

10" METER		
READINESS TO SERVE		$855.00
USAGE		
First	1,800,000 Gallons	1.00
Next	3,600,000 Gallons	1.20
Over	5,400,000 Gallons	1.40

MOTELS AND HOTELS		
READINESS TO SERVE		
First Unit		$3.75
Next Unit		3.75
USAGE		
First	10,000 Gallons	1.00
Next	30,000 Gallons	1.20
Over	40,000 Gallons	1.40

IRRIGATION METERS		
READINESS TO SERVE		$5.00
USAGE		
First	10,000 Gallons	$1.10
Next	10,000 Gallons	1.35
Next	10,000 Gallons	1.55
Next	10,000 Gallons	1.75
Next	40,000 Gallons	1.85
Next	70,000 Gallons	1.95
Next	150,000 Gallons	2.05
Next	150,000 Gallons	2.15
Next	150,000 Gallons	2.25
Next	150,000 Gallons	2.35
Over	750,000 Gallons	2.45

The total consumption for each unit in the multi-family classification will be divided by the number of units served by that connection. The billing will be computed on the average consumption per unit.

The readiness to serve charge for commercial consumers will be based on the meter size serving that consumer. The inverse rate will apply to the commercial water consumption. However, as the meter size increases an increased volume of water is scheduled, at the lower rate per thousand gallons.

A separate classification is for motels and hotels. Schedule of rates presents the motel/hotel rate structure. The readiness to serve charge is $3.75 per unit with no distinction between first and next units. Con-

sumption will be billed at the inverse use rate Table. The billings for the motel and hotel classification will be on the average consumption per unit.

Each unit of any building having separate units which are used for the housing of two (2) or more families or for commercial purposes, or for both such purposes, and each trailer space of any trailer park shall be considered a unit. As in the case of storage bays the number of units will be based on the number of water closets required under the Southern Building Code in relation to the number of bays. One water closet equals one unit.

Where more than one meter serves a property, the rate is computed on the basis of each meter.

The city will not be responsible for water usage after termination of service. All water that flows through the meter will be billed to the customer. The owner is responsible for the bill after a tenants account is terminated by the city. the city can only guarantee no usage if a request in writing from the owner is made to the Water Department for the service to be removed. Upon requesting the service to be resumed there will be a new connection charge.

HYDRANT RENTALS:

This rate will apply to all hydrants the city maintains. The rate shall be $12.25 per hydrant per month.

STANDBY PRIVATE FIRE PROTECTION SYSTEMS:

This will include service to private hydrants, sprinkler systems, hose cabinets, standpipes or any other device used exclusively for fire protection. The annual charge for unmetered private fire protection shall be:

Service diameter		Annual amount
2	inches	$ 66.00
4	inches	99.00
6	inches	144.00
8	inches	307.00
10	inches	552.00

OUTSIDE CITY LIMITS:

The outside city rates shall be one and one-fourth (1¼) the inside city rates on all services, including hydrants and fire lines unless otherwise agreed by contract.

BILLING DEPOSITS:

Residential single units:

METER SIZE	DEPOSITS
3/4 inch or smaller	$36.00
1 inch	60.00
1½ inches	84.00
2 inches	96.00
3 inches	120.00
4 inches	440.00
Over 4 inches	600.00

All others: Add twenty (20) per cent to the above schedule for all other dwellings and businesses except that the resulting billing deposit shall not be less than three (3) months minimum water bill as determined from the minimum water rate schedule.

Agencies of the federal, state and local governments are exempt from the deposit requirements.

No interest will be paid on deposits. In computing the final bill for an account which is to be closed, the deposit will be credited to the account and the surplus will be returned to the customer.

Deposits are transferable from one address to another based on certain city policy and procedures.

CONNECTION CHARGES:

METER SIZE	CHARGE
3/4 inch or smaller	$ 120.00
1 inch	190.00
1½ inch	300.00
2 inches	425.00
3 inches	COST
4 inches	COST
6 inches	COST
8 inches	COST
10 inches	COST

CAPITAL IMPROVEMENTS CHARGE:

Imposed: Except as otherwise provided by law, every property owner or developer whose property receives water service and/or sewer service from systems owned, supplied or services by the City of Riviera Beach shall pay to the city a water and sewer capital improvement charge prior to the issuance of a service or a building permit on each dwelling unit or equivalent residential unit as follows:

(1) $742.00--Water service per equivalent residential unit.

(2) $383.00--Sewer Service per equivalent residential unit.

An "equivalent residential unit" is defined as an individual user who from the city water system purchases not in excess of an average of 10,500 U.S. gallons of water per month and discharges not in excess of an average of 10,500 U.S. gallons of sewage per month into the city sewer system during the single month of maximum use. Determination of the number of equivalent residential units applicable to a user shall be made by the city, and adjusted thereafter following a twelve-month experience record.

At a later date there will be <u>periodic reviews of commercial users</u> for additional impact to compensate for the type of business changes or expansion of same.

Capital Improvements fee's run with the land and are not re-

fundable.

Exceptions: No water and sewer capital improvements charges to the city shall be due:

(1) With respect to property for which there has been a water and sewer capital improvements charge as of the effective date of this article.

(2) With respect to existing structures connected to the city water system and sewer system as of the effective date of this article.

(3) All buildings or structures used for public worship by a religious society hereafter constructed in the City of Riviera Beach shall be and the same are hereby exempted from paying a sewer connection fee.

(4) Any property improvement built before January 1, 1973.

(5) All city owned and operated facilities.

Financing of the capital improvement fee

The capital improvement fee can be financed over a five (5) year period on single unit owner builder construction as approved by the Planning Director. A down payment of 25% will be required and paid before the building permit will be issued. The remaining balance plus 8% interest on the unpaid balance is to be paid annually. An agreement will be signed and a lien filed until the final payment is made. If payments are not made as agreed the water and sewer service will be terminated. This agreement is not transferable.

Use of funds: All funds derived from this source shall be used for capital improvements to the water and sewer system.

STANDBY SERVICE:

The regular minimum charge (readiness to serve) remains the same for water and sewer service while the water is turned off, plus a five ($5.00) dollar turn-off charge. When service is re-

sumed, there is a turn-on charge of five ($5.00) dollars.

Standby charges for the full number of units becomes effective upon requesting water and or sewer service.

TESTING OF METERS:

The department of utilities shall have the right to test meters to determine their accuracy whenever it deems such action advisable. In addition a user may demand a field test when, in their judgment, the meter is not operating correctly. The consumer shall pay a fee of fifteen dollars ($15.00, 5/8 inch meter, others at actual cost incurred) for such field test. If the accuracy or registration of the meter is found to be not more than one hundred and two (102%) per cent of the actual volume of water passing through the meter this fee will not be refundable.

MINIMUM CONDITIONS FOR SERVICE:

The department of utilities reserves the right to establish the minimum conditions under which service may be installed, such as back flow preventers, etc.

TERMS OF PAYMENT:

All acounts are due and payable ten (10) days from date of mailing. If accounts are not paid within thirty (30) days, a seven dollar ($7.00) service charge will be applied, whether physically turned off or not. The service may then be discontinued without notice. It will not be resumed until full payment is made.

If reconnection is not made within fifteen (15) days after service is discontinued for nonpayment, then the billing deposit shall be applied and eight (8) per cent interest shall be charged from the date of mailing until paid. Service will not be resumed until all unpaid balance plus interest, a new billing deposit and a new connection charge are paid.

If the deposits do not satisfy the payment of a delinquent account, such account shall run against the recorded owner of the property from the date said owner is billed and the lien imposed against the said property for the amount of the bill.

All bills must be paid in full. Checks or money orders must be made payable to Riviera Beach Water and Sewer Department.

ADDITIONAL FEES AND CHARGES:

(1) Processing of a returned item (dishonored check) in accordance with the Florida law, not to exceed $10.00 or 5% of the face value of the check, whichever is greater.

(2) Turn on service requested after regular working hours, thirty ($30.00) dollars.

(3) Relocation or change in elevation of meter, meterbox and/or accessories when required by the actions of or requested by the Customer: At current installation charges.

(4) Any audit requested by a customer dating back further than the last zero balance of his account, a charge of $10.00 per year audited (12 months) will be charged.

(5) For the reservation of capacity in the water treatment plant, a charge equal to the standby charge per month per dwelling unit will be in effect from the time water and or sewer service is requested.

(6) UPGRADING OF METER SIZE: Customer must pay current connection, installation and deposit charges.

(7) DOWNGRADING OF METER SIZE: Customer must pay current installation charge. The Account Deposit fee differences will be credited to the Customer's account.

(8) METER REPLACEMENT: At customer's request, a "meter only" cost.

(9) UNAUTHORIZED CONNECTION: Any unauthorized connection, re-connection, by-pass, reversal of meter or "jumping" shall be subject to a charge of $250.00 per incident. Where meter reversal or jumping has been discovered, in addition to the aforesaid Unauthorized Connection Charge, the utilities department will also bill the Customer based on a estimated consumption. If the service is removed a re-connection charge will be due upon request for service. The Customer shall be subject to arrest and prosecution.

(10) CONSTRUCTION METER DEPOSIT:

2"	Fire Hydrant Meter	$250.00
3"	Fire Hydrant Meter	$500.00

(11) REMOTE METER READING SERVICE: Should a meter become inaccessible, the utilities department reserves the right to install remote meter reading devices and assess the Customer at Cost.

(12) WATER MAIN TAP: All taps to the City water system require a permit and must be inspected. A fee of $25.00 for each connection is due upon acquiring the permit. Connections without a permit will be uncovered at the cost of the owner and inspected by the city. A charge of triple the normal permit fee will be charged

VIOLATIONS: PENALTY: DISCONTINUANCE

Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be subject to the provisions of the maximum penalty ordinance, ordinance No. 1123, enacted on October 6, 1976.

The continued violation of any provision of this chapter shall constitute a separate offense for each day that such violation shall continue. In addition, water services shall be discontinued upon any premises upon which there is found to be a connection between the municipal water supply system and another source of water supply, and upon any premises upon which there is found to be a connection between the municipal water supply system and any piping system transporting water from any source of supply whatsoever which has been subjected to contamination by storage in any insanitary container such as uncovered and improperly constructed pools, reservoirs, storage tanks, standpipes, and such service shall not be restored until such cross connection has been discontinued.

Emergency restrictions on water.

(a) Definitions.

(1) "City" means the City of Riviera Beach, Florida.

(2) "Emergency situations" means a situation determined by the city manager to exist due to an insufficient supply of water of necessary quality to meet the needs and demands of users of the city water supply system.

(3) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

(4) "Water" means water from the city potable water supply system and any well withdrawing water from the City of Riviera Beach's Service Area.

(b) Application. The provisions of this section shall apply to all persons using water both in and outside the city.

(c) Restrictions of certain uses. When an emergency situations declared by the city manager, the city manager shall have the authority to order restrictions on the use of water for any or all nonessential purposes, as determined by the city manager, including, but not limited to:

(1) Watering vegetation. The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground cover, plants, vines, gardens, vegetables, flowers or any other vegetation.

(2) Washing mobile equipment. The washing of automobiles, trucks, trailers, campers, boats, railroad cars or any other type of mobile equipment.

(3) Cleaning equipment and machinery. The washing and cleaning of any business or industrial equipment or machinery.

(4) Ornamental fountain and swimming pools. The operation of any ornamental fountain, swimming pool, wadding pool or other structures making similar uses of water unless same employs a recirculating system.

(5) Escape through defective plumbing. The escape of water through defective plumbing which is known to the user or owner.

(d) Exceptions to restriction or curtailment. Upon adequate determination of the need therefor, the city manager shall have the authority to permit reasonable use of water as an exception to a restriction imposed under subsection (c) hereof if necessary to maintain adequate health, safety and welfare

standards for the users of the city water supply system.

(e) Enforcement. Any person in violation of the provisions of this section shall be penalized as follows:

(1) First violation. A written notice of violation will be issued by a police officer of the city.

(2) Second violation. A fine of not less than fifty dollars ($50.00) or imprisonment not to exceed ninety (90) days or both.

(3) Third and subsequent violations. A fine of not less than one hundred dollars ($100.00) or imprisonment not to exceed ninety (90) days or both, and the city manager's designee shall have the authority to order the immediate discontinuance of water service. When water service is discontinued hereunder, the person aggrieved shall have the right to appeal the decision of discontinuance to the city manager who shall have the authority to reverse or modify the discontinuance.

(f) MANDITORY WATER RESTRICTIONS

Should the necessity arise to restrict water usage a mandatory rate increase will go into effect to offset the restriction on usage.

WATER PRESSURE NOT GUARANTEED; right of city to turn off water; fee for restoration of water.

The city shall not guarantee an uninterrupted supply of water at any particular pressure for any purpose and reserves and shall have the right to shut off the water in its mains at any time for the purpose of making repairs or extensions or for other purposes incidental to the public water supply, and

will not be responsible for any damage resulting from a user leaving a faucet open or for other damage caused by low pressure. The City shall have the right to turn off water service at the main for the protection of the city or the user in cases where a private water system has been installed, or a building has been burned or torn down or where the consumer has been found to be using water illegally, and to assess the regular schedule of fees for restoration of service.

MAINTENANCE OF METERS.

The department of utilities shall maintain the proper operation of all meters. No repairs to meters shall be made other than by the department of utilities.

Other grounds for discontinuance of water service.

(a) For misrepresentation or concealment in the application as to the premises, of fixtures to be furnished with water service, or the use to be made of such service.

(b) For waste or excessive use of water through improper or imperfect pipes, fixtures or appliances, or in any other manner.

(c) For refusal or neglect to comply with any requirement of the department of utilities as to meter or service connection maintenance, alteration or renewal or other requirement relating to the water services of the city.

(d) For the use of water services for or in connection with or for the benefit of any other user or purpose than that in the application.

(e) For any interference or tampering, whether by act of commission or omission, with the meter measuring the water supply, or with seals of any meter, or with

any other portion of the water system which was or is required by the department of utilities for controlling or regulating the water services.

Inspection of water systems.

Duly authorized employees of the city bearing proper credentials and indentification shall be permitted to enter upon any premises connected with the water of the city for the purpose of inspecting and observation of water supply pipes and water meters thereon and for making testings and readings of the water meter or meters thereon, measuring the water which is or may be furnished through the water system of the city, and for performing their duties under the provisions of this chapter.

Defective meters.

Should any meter installed and maintained by an owner, occupant, or tenant upon which the charges imposed by this chapter are based, be found to be defective for any reason whatsoever, the owner, occupant, or tenant shall immediately correct the same and have it tested by the water and sewer division at his expense. In such cases, the city reserves the right to render an averaged or estimated bill for the period that said meter was defective based on previous readings of the meter.

Adjustment for certain leaks.

Where there is a leak on the user's side of a water system which is metered as a basis for such user's sewer service charges, other than an underground leak, and the water escaping does not enter into the city's sewage system, the user's sewer service sharge shall be adjusted to a normal charge based on an average of the three (3) previous months' consumption plus, where applicable, an adjustment for any unusual increase or decrease in consumption during the month in question based upon the prior years' experience.

DEFECTIVE OR OBSTRUCTED METERS:

Should any meter become defective or obstructed so that it cannot be read the city reserves the right to render an average or estimated bill for the period that said meter cannot be read.

ARTICLE II - SEWER RATES AND PROCEDURES

Application for service.

All applications for sewer service are to be made to the office of the water and sewer department.

Chapter constitutes agreement.

The provisions of this chapter and the rules and regulations concerning sewer service and rates shall be considered as part of the contract for service between the municipality and the propery owner.

Sewer charges.

There is hereby established a schedule of rates and provisions relating to billing deposits, capital improvements charge, readiness-to-serve charge, sewer service charge and other related charges and provisions.

RESIDENTIAL SINGLE AND MULTIPLE UNIT
SEWER SERVICE RATE SCHEDULE
RIVIERA BEACH, FLORIDA

AVAILABILITY:

All residences, apartments, condominiums and mobile home parks within the territory served by the City of Riviera Beach, Florida.

MONTHLY RATE:

Readiness-to-serve charge:

All single unit accounts shall pay a monthly rate of $3.75

All multiple units shall pay a monthly rate for the first unit in each building of----------$3.75

Each additional unit within each building shall pay a monthly rate of----------$3.75

Each unit where no water is furnished or metered shall pay a flat monthly rate of----------$7.55

The readiness-to-serve charge does not include any usage.

Each unit of any building having separate units which are used for the housing of two (2) or more families or for commercial purposes, or for both such purposes, and each trailer

space of any trailer park shall be considered a unit. As in the case of storage bays the number of units will be based on the number of water closets required under the Southern Building Code in relation to the number of bays. One water closet equals one unit.

Where more than one meter serves a property, the rate is computed on the basis of each meter.

USAGE:

All sewer service will be charged on the basis of monthly metered water usage at the rate of ninety-eight cents ($0.98) per one thousand (1,000) gallons monthly metered water usage up to a maximum usage of ten thousand (10,000) gallons, per unit.

MANDITORY WATER RESTRICTIONS

Should the necessity arise to restrict water usage a mandatory rate increase will go into effect to offset the restriction on usage.

OUTSIDE CITY LIMITS:

The outside city rates shall be one and one-fourth (1¼) the inside city rates.

BILLING DEPOSIT:

The sewer deposit is equal to the water deposit.

WATER NOT DISCHARGED INTO SEWERAGE SYSTEM.

Sewage disposal service charges are based on the quantity of sewage discharges to the City of Riviera Beach system. If all water entering an establishment will not be discharged to the City of Riviera Beach sewer system, a separate water meter may be installed at the expense of the user for measuring the water not entering the sewer system. Where no provision is made to meter water not discharged to the sewer, sewer charges shall be based on the total metered water use at the premises served.

OTHER FACILITIES:

Any facility using the sewer system not included in the above category or in the commercial category shall be charged

an amount to be determined by the director of utilities or other authorized representative of the City of Riviera Beach. This charge will be billed monthly.

CAPITAL IMPROVEMENTS CHARGE:

Imposed: Except as otherwise provided by law, every property owner or developer whose property receives water service and/or sewer service from systems owned, supplied or serviced by the City of Riviera Beach shall pay to the city a water and sewer capital improvement charge prior to the issuance of a building permit on each dwelling unit, or equivalent residential unit as follows:

(1) $742.00 - Water service per equivalent residential unit.

(2) $383.00 - Sewer service per equivalent residential unit.

An equivalent residential unit is defined as an individual user who from the city water system purchases not in excess of an average of 10,500 U.S. gallons of water per month and discharges not in excess of an average of 10,500 U.S. gallons of sewage per month into the city sewer system during the single month of maximum use. Determination of the number of equivalent residential units applicable to a user shall be made by the city and adjusted thereafter following a twelve-month experience record.

At a later date there will be periodic reviews of commercial users for additional impact to compensate for type business changes or expansion of same.

FINANCING OF THE CAPITAL IMPROVEMENT FEE

The capital improvement fee can be financed over a five (5) year period on single unit owner builder construction as approved by the Planning Director. A down payment of 25% will be required and paid before the building permit will be issued. The remaining balance plus 8% interest on the unpaid balance is to be paid annually. An agreement will be signed and a lien filed until the final payment is made. If payments are not

made as agreed the water and sewer service will be terminated. This agreement is not transferable.

Capital Improvement fee's run with the land and are not refundable.

Exceptions: No water and sewer capital improvements charges to the city shall be due:

(1) With respect to property for which there has been paid a water and sewer capital improvements charge as of the effective date of this article.

(2) With respect to existing structures connected to the city water system and sewer system as of the effective date of this article.

(3) All buildings or structures used for public worship by a religious society hereafter constructed in the City of Riviera Beach shall be and the same are hereby exempted from paying a sewer connection fee.

(4) Any property improvement built before January 1, 1973.

(5) All city owned and operated facilities.

Use of funds: All funds derived from this source shall be used for capital improvements to the water and sewer systems.

STANDBY SERVICE:

The regular minimum charge readiness-to serve remains the same for water and sewer service while the water is turned off, plus a five dollar ($5.00) turn-off charge. When service is resumed, there is a turn-on charge of five dollars ($5.00).

Standby charges for the full number of units becomes effective upon requesting water and/or sewer services.

TERMS OF PAYMENT:

All accounts are due and payable ten (10) days from the date of mailing. If accounts are not paid within thirty (30) days, a ten dollar ($10.00) service charge will be applied. It will not be resumed until full payment is made.

If reconnection is not made within fifteen (15) days after service is disconnected for nonpayment, then the billing deposit shall be applied and eight (8) per cent interest shall be charged from the date of the mailing until paid. Service will not be resumed until all unpaid balance plus interest, a new billing deposit and a new connection charge are paid.

If the deposits do not satisfy the payment of a delinquent account, such account shall run against the recorded owner of the property from the date said owner is billed and the lien imposed against the said property for the amount of the bill.

All bills must be paid in full. Checks or money orders must be made payable to Riviera Beach Water and Sewer Department.

COMMERCIAL SINGLE AND MULTIPLE UNIT
SEWER RATE SCHEDULE
CITY OF RIVIERA BEACH, FLORIDA

AVAILABILITY:

All commercial and motel/hotel entities within the territory served by the City of Riviera Beach, Florida.

MONTHLY RATE:

Readiness-to-serve charge:

All single unit accounts shall pay a monthly rate of $3.95

All multiple units shall pay a monthly rate for the first unit in each building of----------$3.95

Each additional unit within each building shall pay a monthly rate of----------$3.95

Each unit of any building having separate units which are used for the housing of two (2) or more families or for commercial purposes, or for both such purposes, and each trailer space of any trailer park shall be considered a unit. As in the case of storage bays the number of units will be based on the

number of water closets required under the Southern Building Code in relation to the number of bays. One water closet equals one unit.

Where more than one meter serves a property, the rate is computed on the basis of each meter.

USAGE:

All sewer service will be charged on the basis of monthly metered water usage at the rate of one dollar and seventeen cents ($1.17) per thousand (1,000) gallons.

SURCHARGE FOR STRONG WASTE:

An additional charge shall be paid on a monthly basis by commercial or industrial users who discharge wastes into the sewer system which contain in excess of three hundred (300) parts per million of either BOD or suspended solids, as determined by periodic analyses.

Each commercial or industrial establishment known to discharge wastewater which may contain BOD or suspended solids in excess of these limits shall be monitored by sample analysis of these constituents with such frequency as may be detemined by the director of utilities, but not less than once annually, and the results of the most recent analysis shall be used in determining the surcharge to be applied to that user's charge each month.

The strength surcharge shall be based on the ratio that actual BOD or suspended solids content, less three hundred (300), bears to three hundred, multiplied by forty-five (45) per cent of the gallonage portion of the basic charge for that month, and as computed in accordance with the following formula:

$$\text{Surcharge} = \text{Gallonage charge} \times .45 \times \frac{\text{BOD} + \text{SS} - 600}{600}$$

WHERE:

BOD is actual BOD, but not less than 300.
SS is actual suspended solids, but not less than 300.

INDUSTRIAL COST RECOVERY:

Assessment: Upon completion of Riviera Beach's portion of the West Palm Beach Regional Treatment facilities, each contributor of industrial wastes to the sewer system shall pay an annual industrial cost recovery assessment.

The total industrial cost recovery assessment for a particular user shall be computed in accordance with the following formulae:

(a) Basic assessment = Grants $\times \frac{\text{Flow}}{8{,}000{,}000}$

(b) Strength assessment = .46 X Basic assessment X $\frac{\text{BOD} + \text{SS} - 600}{600}$

(c) Total assessment = Basic assessment + Strength assessment

WHERE:

Grants: Is the total federal contribution for construction of the sewage disposal system, in dollars.

Flow: Is as determined by taking the average flow per day during the two (2) successive months each year having the highest recorded flow from the user.

BOD: Is as determined by adding together the BOD determined by tests for each month (but not less than three hundred (300) for any month) and dividing the sum by twelve (12).

SS: Is as determined by adding together the suspended solids determined by tests for each month (but not less than three hundred (300) for any month) and dividing the sum by twelve (12).

Payment: The period of industrial cost recovery assessment shall be thirty (30) years or the useful service life of that part of the sewage disposal system to which the federal grants amount was applied, whichever is less, and shall begin at the time of commencement of operation of that part of the system. The assessment of a particular industrially classified user shall begin on the day he first receives beneficial use of that part of the system.

Unless specifically required otherwise by special agreement, each industrially classified user's assessment shall be paid in annual installments, each such installment being equal to one-thirtieth (1/30) of his total assessment based upon his actual usage each year.

Assessments or installments thereon which become delinquent shall bear interest, compounded monthly at the rate of one per cent of the amount due per month or fraction thereof which elapses between the date such payment is due and the date the payment is made.

INDUSTRIAL AND COMMERCIAL WASTE DISCHARGE PERMITS:

Upon completion of Riviera Beach's portion of the West Palm Beach Regional Treatment facilities, a special permit will be required for each industrial, commercial or other type of business which is identified as having other than domestic wastes or waste from sanitary conveniences. The fixed life of a permit is set for one year from date of issue and a renewed waste discharge permit will have a fixed life of one year. These permits involve the implementation of a formula for surcharges for wastes which exceed the sewage parameters for strength and provide a basis for the determination of industrial cost recovery assessments, all as defined elsewhere herein.

The application for a waste discharge permit shall be of a form specified by the utilities director or his designated agent. This application will define all of the pertinent data concerning the acceptance of industrial and commercial waste flows and will provide the basis for the issuing of a permit certificate specifying limitations on what the user may discharge. The initial permit shall be effective for a period of one year only from date of issuance and must be renewed annually. An application for an initial permit shall be accompanied by a check for fifty dollars ($50.00) drawn in favor of the city as an application fee. The application for a renewed waste discharge permit shall be on a form furnished by the director of utilities and the annual renewal application fee shall be the same as the initial application fee.

OUTSIDE CITY LIMITS:

The outside city rates shall be one and one-fourth (1¼) the inside city rates.

BILLING DEPOSIT:

There shall be required and paid by each owner, at the time the permit is issued, a billing deposit in the same amount as the water billing deposit.

ADDITIONAL BURDENS ON SEWAGE SYSTEM:

In cases where the character of sewage from any manufacturing or industrial plant, building or premises shall be such as to impose a burden upon the sewage system in addition to the burden imposed by the average sewage entering the sewage system of the city, such additional sewer service charges shall be made therefor as the council upon the recommendation of the director of utilities shall deem to be fair and equitable to meet the additional cost of collection, treatment and disposal of such sewage; or the council may upon the recommendation of the director of utilities, if it deems such action advisable, compel the owner, of such building, or premises to treat such sewage in such manner as shall be specified by the council before discharging such sewage into the sewerage system of the city.

SCAVENGER WASTE RATES:

Scavenger wastes will be admitted into the sewerage system of the city after approval of the director of utilities and upon the prior payment of a charge of one dollar ($1.00) per hundred (100) gallons of scavenger waste with a minimum charge of ten dollars ($10.00). Such charge shall be based upon the full capacity of each scavenger vehicle for each discharge.

INSPECTION OF PIPES AND METERS:

Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon

any premises connected with the sewerage system of the city for the purposes of inspection and observance of water supply pipes and water meters thereon, measuring the water which is or may be discharged into the sewerage system, and for performing their duties under the provisions of this chapter.

PROHIBITION AGAINST DISCHARGE:

No person shall discharge or cause to be discharged any of the following described waters or wastes to any sewer or natural outlet:

(a) Any liquid or vapor having a temperature higher than one hundred and fifty (150) degrees F.

(b) Any water or waste which may contain more than one hundred (100) parts per million, by weight, of fat, oil or grease.

(c) Any gasoline, benzene, naptha, fuel oil, ot other flammable or explosive liquid, solid or gas.

(d) Any garbage that has not been properly shredded.

(e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous capable of obstruction to the flow in sewers or other interference with the proper operation of the sewerage works.

(f) Any waters or waste having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structure, equipment processes, and personnel of the sewerage works.

(g) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

(h) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

(i) Any noxious or maladorous gas or substance capable of creating a public nusiance.

GREASE, SAND, OIL INTERCEPTERS:

Where installed, all grease, oil and sand interceptors shall be maintianed by the owner, at his expense, in continuously efficient operation at all times.

PRELIMINARY TREATMENT:

The admission into the sanitary sewers of any polluted waters or industrial wastes containing any quantity of substance having the characteristics described under prohibition against discharge, of this chapter shall be subject to the review and approval of the director of utilities. Where necessary, in the opinion of the director of utilities, the owner of the property or premises producing such waste shall provide at his expense such preliminary treatment as may be necessary to reduce objectionable characteristics or constituents to within the maximum limits provided for or to control the quantities or rates of discharge of such waters or wastes. Construction drawings, specifications, and other pertinent information relating to the proposed preliminary treatment facilities shall be prepared by the owner at his expense and shall be submitted for the approval of the director of utilities and the Palm Beach County Health Department, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Construction shall be in accordance with said approved plans.

OWNER RESPONSIBILITY:

Where preliminary treatment facilities are provided for and waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

CONTROL MANHOLE:

When required by the director of utilities, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building

sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly located, and shall be constructed in accordance with plans approved by the director of utilitles. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

CHARGES FOR INDUSTRIAL WASTES:

(a)- Every person and establishment known to be discharging industrial wastes or polluted water into the sewers or sewerage works of the City of Riviera Beach, or into any sewer connected therewith, has been or shall be contacted by a representative of the City of Riviera Beach and a report shall be filed with the director of public works on forms supplying the following information:

(1) Name and address.

(2) Title of official contacted.

(3) Location of plant.

(4) The nature of the business conducted in such plant.

(5) The volume of industrial waste mixture and sewage discharged by each plant.

(6) The source of water supply of each plant and the volume of water used by each such plant daily, specified separately as to each such source.

(7) Such additional information as is deemed applicable to ascertain the volume, nature, and composition of the industrial waste so discharged.

(b)- A calculation shall be made by the director of utilities or his representative to determine the charges for the volume and strength of such sewage or industrial wastes being contributed to the sewers of the City of Riviera Beach in accordance with the rate schedule set forth in the Sewer Rate Ordinance of the City of Riviera Beach.

POWERS AND AUTHORITY OF INSPECTORS:

The director of utilities and other duly authorized employees of the City of Riviera Beach bearing proper identification and credentials shall be permitted to enter upon all properties for the purpose of inspection, observations, measurement, sampling and testing, in accordance with the provisions of this chapter.

CONNECTION; MANDATORY PAYMENT IN LIEU OF:

All lands, buildings and structures which can use the facilities and services of the sewer system of Riviera Beach, must connect with and use the facilities and services of such system. If the owners of the lands, buildings and structures do not connect with and use the system, they shall be required to pay the rates as set out under monthly rates

EXCEPTION TO SEPTIC TANK AND SEWER TREATMENT PACKAGE PLANT PROHIBITIONS.

Prohibitions contained in the Code of Ordinances of Riviera Beach relating to the installation and use of septic tanks and sewer treatment package plants are conditionally exempted; provided:

(1) The provisions under capital improvements charge and all other sections contained in the Code of Ordinances of Riviera Beach and state laws have been complied therewith.

(2) Sewer treatment package plants are capable of B.O.D. and suspended solids removal of ninety (90) per cent or greater and are a mimimum size of twenty thousand (20,000) gallons per day; and

(3) Thirty (30) days after notice by the city to connect to the city sewer system, failure to so connect and/or continued use of any septic treatment package plant exempted by this section shall be unlawful.

(4) All sewer connection charges and capital contribution charges to be paid prior to issuance of building permit.

SEWER MAIN TAP:

All taps to the city sewerage system require a permit and must be inspected. A fee of $10.00 for each single and duplex family connection and others are $25.00.

CONNECTION WITHOUT PERMIT PROHIBITED:

It shall be unlawful for any person to connect or reconnect, or to cause a connection or re-connection to be made with the sewerage system of the city without first having made application for same and obtained a permit from the water and sewer departments. Connections without a permit will be uncovered at the cost of the owner and inspected by the city. A charge of triple the normal permit fee will be charged.

UNAUTHORIZED CONNECTION:

Any unauthorized connection, or re-connection, shall be subject to a charge of $250.00 per incident. In addition to the aforesaid Unauthorized Connection Charge, the utilities department will also bill the Customer based on an estimated consumption. If the service is removed a re-connection charge will be due upon request for service. At the discretion of the City Manager the customer may be arrested or prosecuted.

ARTICLE III - WATER AND SEWERS REGULATIONS

CONNECTION WITH OTHER SOURCE THAN MUNICIPALITY; SIPHONAGE BACK WHEN STORED.

It shall be unlawful for any person to cause a connection to be made or to allow one to exist for any purpose whatever between the municipal water supply system and any other source of supply; except that said municipal water supply system may be interconnected with any other water utility system which has been approved by the Florida State Board of Health, or any other municipal water supply system which has the approval of said board of health; and the municipal supply lines discharging into improperly constructed pools, reservoirs, storage tanks, standpipes and insanitary containers of any kind in which water therein is stored and is subjected to contamination and must discharge into such pools, reservoirs, storage tanks, standpipes in a manner to prevent siphoning back of the water therein stored into the municipal supply line system in case of the development of a negative pressure in the municipal supply line system.

STORAGE OF WATER; APPROVAL OF BOARD OF HEALTH.

The pools, reservoirs, storage tanks, standpipes or any containers in which water from the water supply system is stored and from which therein stored in circulated through pipes connected to the city supply line system must be approved by the state board of health as to the sanitary conditions and ability to adequately protect the water therein stored from contamination before final approval of their use is given by the municipality.

SEPARATE SOURCE; STORAGE; STATEMENT OF NO CROSS CONNECTIONS.

Any person, whose premises are supplied with water from the municipal water supply system and who also have on such

premises a separate source of supply or who store water in insanitary pools, storage tanks, standpipes, or other insanitary container, from which the water therein stored is circulated through a piping system shall file with the municipal clerk a statement of nonexistence of cross connections.

CROSS-CONNECTION CONTROL:

Note: This section is a modified version of the California Administrative Code, Title 17 - Public Health, Chapter 5; Sanitation (Environmental) Subchapter 1: Engineering (Sanitary) Group 4: Drinking Water Supplies.

ARTICLE 1. PURPOSE OF REGULATIONS TO SAFEGUARD DRINKING WATER SUPPLIES BY PREVENTING BACKFLOW INTO PUBLIC WATER SYSTEMS.

PURPOSE:

The purpose of these regulations is: (1) to protect the public water supply against actual or potential cross-connections by isolating within the premise contamination or pollution that may occur because of some undiscovered or unauthorized cross- connection on the premise; (2) to eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption; (3) to eliminate cross-connections between drinking water systems and other sources of water or process water used for any purpose whatsoever which jeopardize the safety of the drinking water supply, (4) to prevent the making of cross-connections in the future; (5) to encourage the exclusive use of public sources of water supply; (6) to protect the drinking water supply within the premise where plumbing defects or cross-connections may endanger the drinking water supply available on the premise.

The regulations are to be reasonably interpreted. It is

the intent of these regulations to recognize that there are varying degrees of hazard and to apply the principle that the degree of protection should commensurate with the degree of hazard.

These regulations are not to be construed as prohibiting other governmental authorities from establishing requirements regarding protection of water supply more rigid than herein indicated, where circumstances warrant.

It is recognized that the control of cross-connections requires cooperation between water purveyors and health agencies. The water purveyor has a primary responsibility to prevent water from unapproved sources, or any other substance, entering the public water supply system. The health agency has the overall responsibility for preventing water from unapproved sources from entering either the potable water systems within water consumers' premises or the public water supply directly.

DEFINITIONS

CROSS CONNECTION. The term "cross-connection" as used in these regulations means any unprotected connection between any part of a water system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome, and potable for human consumption.

APPROVED WATER SUPPLY. The term " approved water supply" means any water supply approved by, or under the public health supervision of, a public health agency of the State of Florida, or its political subdivisions. In determining what constitutes an approved water supply, the state department of public health reserves final judgment as to its safety and potability.

AUXILIARY SUPPLY. The term "auxiliary supply" means any water supply on or available to the premises other than the public water supply.

APPROVED CHECK VALVE. The term "approved check valve" means a check valve that seats readily and completely. It must be carefully machined to have free moving parts and assured watertightness. The face of the closure element and valve seat must be bronze, composition, or other noncorrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze, composition, or other noncorrodible, nonsticking material, machined for easy, dependable operation. The closure element (e.g.clapper) shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

APPROVED DOUBLE CHECK VALVE ASSEMBLY. The term "approved double check valve assembly" means an assembly of at least two (2) independently acting approved check valves including tightly closing shutoff valves on each side of the check valve assembly and suitable leak detector drains plus connections available for testing the watertightness of each check valve.

AIR-GAP SEPARATION. The term "air-gap separation" means a physical break between a supply pipe and a receiving vessel. The air-gap shall be at lease double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one inch.

APPROVED REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE.

The term "approved reduced pressure principle backflow prevention device" means a device incorporating two (2) or more check valves and an automatically operating differential relief located between the two (2) checks, two (2) shutoff valves and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone and two (2) check valves, less than the pressure on the public water supply side of the device. At cessation of normal flow the pressure

between the check valves shall be less than the supply pressure. In case of leakage of either check valve, the differencial relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is two (2) pounds per square inch or less, the relief valve shall be open to the atmosphere thereby providing an air gap in the device. To be approved these devices must be readily accessible for maintenance and testing and installed in a location where no part of the valve will be submerged.

PROTECTION OF PUBLIC WATER SYSTEM AT SERVICE CONNECTION

WHERE PROTECTION IS REQUIRED.

(1) Each service connection from a public water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system, unless the auxiliary water supply is accepted as an additional source by the water purveyor, and is approved by the public health agency having jurisdiction.

(2) Each service connection from a publc water system for supplying water to premises on which any substance is handled under pressure in such fachio as to permit entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and water originating from the public water supply system which has been subject (to) the deterioration in sanitary quality.

(3) Backflow prevention devices shall be installed on the service connection to any premises that have internal cross-connections unless such cross-connections are abated to the satisfaction of the water purveyor and approved by the state or local health department.

It shall be the responsibility of the water user to provide protective devices as required.

TYPE OF PROTECTION.

The protective device required shall depend on the degree of hazard as tabulated below:

(1) At the service connection to any premises where there is an auxiliary water supply handled in a separate piping system with no known cross connection, the public water supply shall be protected by an approved double check valve assembly.

(2) At the service connection to any premise on which a substance that would be objectionable (but not necessarily hazardous to health), if introduced into the public water supply, is handled so as to constitute a cross-connection, the public water supply shall be protected by an approved double check valve assembly.

(3) At the service connection on any premise on which there is an auxiliary water supply where cross-connections are known to exist which cannot be presently eliminated, the public water supply system shall be protected by an approved reduced pressure principle backflow prevention device. A double check valve assembly may be used in lieu of such device if local experience indicates that double check valves are reliably operated and if approved by the water purveyor and local health agency.

(4) At the service connection to any premise on which any material dangerous to health or toxic substance in toxic concentration is or may be handled under pressure, the public water supply shall be protected by an air-gap separation. The air-gap shall be located as close as practicable to the service cock and all piping between the service cock and receiving tank shall be entirely visible. If these conditions cannot reasonably be met, the public water supply shall be protected with either an approved reduced pressure principle backflow prevention device, or an approved double check valve assembly, providing the alternative is acceptable to both the water purveyor and the local health department.

(5) At the service connection to any sewage treatment plant or sewage pumping station the public water supply shall be protected by an air-gap separation. The air-gap shall be located as close as practicable to the service cock and all piping between the service cock and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected with an approved reduced pressure principle backflow prevention device, providing this alternative is acceptable to both the water purveyor and local health department. Final decision in this matter shall rest with the state department of public health.

FREQUENCY OF INSPECTION OF PROTECTIVE DEVICES.

It shall be the duty of the water user on any premise on

account of which backflow protective devices are installed to have competent inspections made at least once a year, or more often in those instances where successive inspections indicate repeated failure. These devices shall be repaired, overhauled or replaced at the expense of the water user whenever they are found to be defective. It shall be the duty of the water purveyor and the health department to see that these tests are made in accordance with the responsibility designated.
Records of such tests, repairs, and overhaul shall be kept and made available to the water purveyor and the local health department.

PROTECTION OF POTABLE WATER SYSTEM WITHIN PREMISES

SEPARATE DRINKING WATER SYSTEMS.

Whenever the health agency determines that it is not practical to protect drinking water systems on premises against entry of water from a source of piping system or equipment that cannot be approved as safe or potable for human use, an entirely separate drinking water system shall be installed to supply water at points convenient for consumers.

FIRE SYSTEM.

Water systems for fighting fire, derived from a supply that cannot be approved as safe or potable for human use shall, wherever practicable, be kept wholly separate from drinking water pipelines and equipment. In cases where the domestic water system is used for both drinking and fire fighting purposes, approved backflow prevention devices shall be installed to protect such individual drinking water lines as are not used for fire fighting purposes. It is hereby declared that it is the responsibility of the person or persons causing the introduction of said unapproved or unsafe water into the pipelines to see: (1) that a procedure be developed and carried out to notify and protect users of this

piping system during the emergency; (2) that special precautions be taken to disinfect thoroughly and flush out all pipelines which may have become contaminated before they are again used to furnish drinking water. In the event the means of protection of water consumers is by disinfection of the auxiliary fire fighting supply, the installation and its use shall be thoroughly reliable.

When disinfection of the auxiliary supply itself is depended upon to render the eater safe, the means of applying the disinfectant under this regulation shall be automatic with operation of the pump or pumps employed with the dangerous water in question. Adequate supplies or chlorine or its compound must be kept on hand at all times. Chlorine dosing equipment shall be tested daily and kept in good operating condition.

The public water supply must be protected against backflow from such dual domestic fire systems as detailed under type of protection.

PROCESS WATERS.

Potable water pipelines connected to equipment for industrial processes or operations shall be disconnected therefrom if practicable. Where disconnection is not practicable a suitable backflow prevention device located beyond the last point from which drinking water may be taken shall be provided on the feed line to process piping or equipment. In the event the particular process liquid is especially corrosive or apt to prevent reliable action of the backflow prevention device, air-gap separation shall be provided. These devices shall be tested by the water user at least once a year, or more often in these instances where successive inspections indicate repeated failure. The devices shall be repaired, overhauled or replaced whenever they are found to be defective. Records of tests, repairs, and replacement shall be kept and made available to the local health department.

SEWAGE TREATMENT PLANTS AND PUMPING STATIONS.

Sewage pumps shall not have priming connections directly off any drinking water systems. No connections shall exist between the drinking water system and any other piping, equipment, or tank in any sewage plant or sewage pumping station.

PLUMBING CONNECTIONS.

Where the circumstances are such that there is special danger to health by the backflow of sewage, as from sewers, toilets, hospital bedpans, and the like, into a drinking water system, a dependable device or devices shall be installed to prevent such backflow.

The purpose of these regulations is not to transcend local plumbing regulations but only to deal with those extra-ordinary situations where sewage may be forced or drawn into the drinking water piping. These regulations do not attempt to eliminate at this time the hazards of backsiphonage through flushometer valves on all toilets but deal with those situations where the liklihood of vacuum conditions in the drinking water is definite and there is a special danger to health. Devices suited to the purpose of avoiding backsiphonage from plumbing fixtures are roof tanks or separate pressure systems separately piped to supply such fixtures, recognized approved vacuum or siphon breakers and other backflow protective devices which have been proved by appropriate tests to be dependable for destroying the vacuum.

Inasmuch as many of the serious hazards of this kind are due to water supply piping which is to small, thereby causing vacuum consitions when fixtures are flushed or water is drawn from the system in other ways, it is recommended that the water supply piping that is too small be enlarged whenever possible.

PIER AND DOCK HYDRANTS.

Backflow protection by a suitable backflow prevention device shall be provided on each drinking water pier head outlet used for supply vessels at piers or waterfronts. These assemblies must be located where they will prevent the return of any water from the vessel into the drinking water pipeline or into another adjacent vessel. This will prevent such practices as connecting the ship fire pumping or sanitary pumping system with a dock hydrant and thereby pumping contaminated water into the drinking water system and thence to adjacent vessels or back into the public mains.

MARKING SAFE AND UNSAFE WATER LINES.

Where the premises contain dual or multiple water systems and piping, the exposed portions of pipelines shall be painted, banded or marked at sufficient intervals to distinguish clearly which water is safe and which is not safe. All outlets from secondary or other potentially contaminated systems shall be posted as being contaminated and unsafe for drinking purposes. All outlets intended for drinking purposes shall be plainly marked to indicate that fact.

WATER SUPERVISOR.

The health department and the water purveyor shall be kept informed of the identity of the person responsible for the water piping on all premises concerned with these regulations. At each premise where it is necessary in the opinion of the health department, a water supervisor shall be designated. This water supervisor shall be responsible for the installation and use of pipelines and equipment and for the avoidance of cross-connections.

In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the local health officer and water purveyor shall be promptly advised by the person responsible for the water system so that appropriate measures may be taken to overcome the contamination.

ARTICLE IV - EXTENSION OF MAINS

Purpose.

This Article establishes procedures to provide and facilitate orderly expansion of and additions to the water system and sewerage system of the City of Riviera Beach, both inside and outside the municipal limits of Riviera Beach, Florida, and includes provisions for funding such expansion by those benefitting thereby.

Scope.

The City of Riviera Beach, Florida, has accepted the responsibility to provide water service and sewer service within its "service area" as a sub-regional agency as designated by the Palm Beach County Area Planning Board; including the City of Riviera Beach, the reserved annexation area of the City of Riviera Beach, and the Town of Palm Beach Shores.

General provisions.

(A) Design and construction

(1) The city will design and construct all water supply, treatment, transmission, and storage facilities, and all sewage pumping transmission, and treatment facilities necessary to provide service to the property line of the property to be served.

(2) The city may design and construct all internal water distribution and sewage collection on the property to be served, or have the same designed and constructed by the property owner or developer in accordance with standards and specifications approved by the city.

(3) All construction shall be inspected by the city, at the expense of the property owner or developer, and neither water service or sewer

service shall be provided by the city through the constructed facilities, until such construction is in conformance with the standards and specifications approved by the city.

(B) Financing

(1) Design and construction by the city. In all cases involving design and construction of facilities by the city, the property owner or developer shall convey to the city all monies necessary to pay all costs for planning, property, engineering, construction, inspections, legal, administrative and related costs. Such payment shall not be less than one hundred thirty per cent (130%) of the estimated bare construction and real estate cost as determined by the city.

(2) Design and construction by property owner or property developer. In all cases involving design and construction of facilities by the property owner or developer, the property owner or developer shall post with the city a surety bond for performance and payment suitable to the city. Such bond shall be for not less than one hundred per cent (100%) of the total cost for construction of the project. In addition, the property owner or developer shall pay to the city a fee of five per cent (5%) of the estimated construction cost for provision of periodic construction inspection service to be provided by the city.

(3) Method of payment to city for design and construction by city. In all cases involving design and construction by the city, the property owner or developer shall pay money to the city in accordance with the following schedule:

(a) At the time of requesting water and sewer service by the city, the property owner or developer shall enter into a written agreement with the city and shall pay to the city ten per cent (10%) of the project construction and real estate cost as determined by the city for planning, legal and administrative work and for design of the required water and sewer facilities.

(b) Upon completion of planning, but prior to requesting the receipt of bids for construction of the project, the property owner or developer shall pay to the city an additional one hundred twenty per cent (120%) of the project construction and real estate cost as determined by the city for construction expenses, real estate, inspection and contingencies. Such funds shall be escrowed in a "special construction trust fund account" in any state or national bank as determined by the city, and such funds shall be used solely to pay all costs related to the project.

(c) Following receipt of construction bills and determination of real estate cost by the city, funds escrowed in the special "construction trust fund account" shall be adjusted to an amount equal to one hundred twenty per cent (120%) of the project cost as determined by actual real estate cost and actual bids received by the city from the lowest and most satisfactory bidder as determined by the city. In the event bids received by the city exceed the estimated cost of the work, the property owner or developer shall pay to the city for deposit in the special "construction trust fund account", the necessary additional monies to bring the funds deposited in said account up to one hundred twenty per cent (120%) of the project cost as determined by real estate cost and by bids received by the city. In the event bids received by the city and real estate cost are less than the estimated cost of the work, the city shall reimburse the property owner or developer from the special "construction trust fund account", such funds as may be in excess of one hundred twenty per cent (120%) of the project cost as determined by real estate cost and by bids received by the city.

(d) Following adjustment of funds in the special "construction trust fund account" and upon approval of the city council of the City of Riviera Beach, the city shall acquire the real estate and award the construction contract and all costs incurred by the city shall be paid from the special "construction trust fund account". In the event unforeseen circumstances relative to construction of the work arise, thereby necessitating additional funds, the city shall promptly notify the property owner or developer of such, describing the additional funds necessary and the reasons for such, and the property owner or developer shall, within seven (7) calendar days pay said additional funds with the city for deposit in the special "construction trust fund account." In the event the property owner or developer fails to deposit such additional funds with the city, the city reserves the right to cancel the construction contract, pay expenses incurred by the city with funds available in the special "construction trust fund account", and refund any excess funds remaining in the special "construction trust fund account" to the property owner or developer.

(e) The city may provide, without charge, water and sewerage to property owner within the city limits, provided the property is located in a subdivision that was platted prior to January first, 1970.

(C) Ownership.

All portions of the water system and sewerage system, whether constructed by the property owner or developer, or by the city, which are located in public rights-of-way, city owned property, or utility easement as determined by the city, shall upon construction completion, become the property of the city, and filing of an application for construction by the property owner or developer shall be deemed to be consent for transfer of such ownership, including real estate. The property owner or developer shall execute and deliver to the city such deeds or other evidence of ownership as the city may require.

Fire hydrants.

(a) In order to standardize and keep repair parts inventory to a reasonable size, the following types and makes of fire hydrants are allowed:

Darling B62B traffic type with five and one-fourth-inch seat, American Darling Valve, P.O. Box 2727, Birmingham, Alabama.

Dresser #300 traffic type with four and one-half-inch seat, Division of Dresser Industries, Inc., Anniston, Alabama.

Mueller Modern, improved fire hydrant, traffic type with four and one-half-inch seat, Mueller Company, Chattanooga, Tennessee.

(b) All hydrants to be traffic models with two (2) two and one-half-inch hose nozzles and one four and one-half-inch steamer nozzle connection. Hydrant shoe to be mechanical joint.

(c) When installed, the steamer nozzle shall face the street. A valve shall be installed between the main and the hydrant. A twenty-four-inch by twenty-four-inch by five-inch concrete collar shall be poured around the fire hydrant barrel at least six (6) inches below grade, and above the midlength of the barrel. This collar will have one five-eights-inch diameter reinforcing rod centered within the concrete.

Two (2) wraps of thirty-pound felt paper will be placed on the barrel before the concrete is poured, and left in place. Also, one of the concrete sides will be set parallel to the face of the steamer nozzle, and the concrete collar will be centered to the hydrant barrel within one inch tolerance, in accordance with Exhibit 2, a diagram of concrete collar required and made a part of this section. (See attached exhibit.)*

(d) Styles or variations of other makes may be installed if approved in advance by the director of utilities.

Connections beyond city territorial boundaries; moratorium, exceptions; penalty

(a) The director of utilities, except for subsisting commitments, is hereby directed not to authorize or issue any permits for any water service connections beyond the territorial

boundaries of the city and all city officials and employees are prohibited from making such connections in conflict with this ordinance.

(b) In accordance with the procedures as provided for in the code of Ordinances, the city council, when so appealed to and after a hearing, may vary the applications of any provision herein contained in this ordinance to any particular case, when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of the enactment of this ordinance or public interest.

SECTION 3. All ordinances or parts of Ordinances or Charter provisions in conflict herewith are to the extent of such conflict repealed.

SECTION 4. Any person violating any of the provisions of this ordinance, shall upon conviction, be subject to the provisions of the uniform maximum penalty Ordinance, Ordinance No. 1123, enacted on October 26, 1976.

SECTION 5. In the event that any provision or application of this ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not thereby be affected.

SECTION 6. Specific authority is hereby granted to codify this Ordinance.

SECTION 7. 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 November, 1981.

PASSED and ADOPTED on second and final reading this 2Nd day of December, 1981.

SIGNATURES ON PAGE #46-----

Ordinance No. 2143

APPROVED:

Mayor

Robert E Moultrie
Chairman

Chairman Pro Tem

(MUNICIPAL SEAL)

Councilmen

ATTEST:

City Clerk

	1ST READING	2ND READING
MOTIONED BY:		R. Dodd
SECONDED BY:		G. Adams
R. MOULTRIE		Aye
G. ADAMS		Aye
R. DODD		Aye
P. BATES		Absent
O. THOMAS		Absent

RVV.

ORDINANCE NO. 2144

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, PROCLAIMING CITY COUNCIL'S FINDINGS OF FACT AND DECLARATION OF A MORATORIUM FOR A PERIOD OF NINETY DAYS FROM THE DATE OF ENACTMENT OF THIS ORDINANCE ON ALL DEVELOPMENT PERMITS (AS DEFINED IN SECTION 163.3164 (6), FLORIDA STATUTES, CITED AS THE LOCAL GOVERNMENTAL COMPREHENSIVE PLANNING ACT) WHICH WOULD BE IN CONFLICT WITH THE ADOPTED COMPREHENSIVE PLAN OF THE CITY OF RIVIERA BEACH; PROVIDING AN EXEMPTION; PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

CITY COUNCIL'S FINDINGS OF FACT

WHEREAS, after Public Hearings and input from the Local Planning Agency, the City Council of the City of Riviera Beach, on August 19, 1981, passed Ordinance No. 2125, adopting the Comprehensive Plan for the City of Riviera Beach in accordance with the "Local Government Comprehensive Planning Act of 1975", as amended Section 163.3161, et seq, F.S. and

WHEREAS, Section 163.3194 of that Act states that all development undertaken by, and all actions taken in regard to development orders by governmental agencies in regard to land covered by the Comprehensive Plan shall be consistent with the Plan as adopted. All land development regulations enacted or amended shall also be consistent, and

WHEREAS, Section 163.3201 of the Act states that it is the intention of the act that adopted plans shall be implemented by the adoption and enforcement of appropriate local regulations, and

WHEREAS, the State Attorney General has stated that it is the intent of the Act that localities should move in an expeditious manner to conform existing zoning ordinances and all other land development regulations with adopted Comprehensive Plans, and

WHEREAS, the City of Riviera Beach had retained a Consultant to prepare a draft of Land Development Regulations to implement the City's adopted Comprehensive Plan, and

WHEREAS, this draft has been completed and forwarded to the Planning Board and City Council for appropriate review, and

WHEREAS, the City is moving in an expeditious manner consistent with reasonable legislative procedure, to review and adopt said Land Development Regulations, and

WHEREAS, in the interim period between adoption of the Plan and adoption of the Land Development Regulations, the City desires to maintain the intergrity of the Comprehensive Plan, as intended by Section 163.3161 (5) of the Local Government Comprehensive Planning Act, and

WHEREAS, to allow development in conflict with the Plan would undermine the plans for orderly, growth and development as specified in the adopted Comprehensive Plan.

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

SECTION 1. That the City of Riviera Beach desiring to maintain the integrity of the adopted Comprehensive Plan does hereby enact a Moratorium for a period of ninety (90) days from the date of enactment of this ordinance on all development permits (as defined in Section 163.3164 (6) Florida Statutes, Local Government Comprehensive Planning Act.) Which would be in conflict with the adopted Comprehensive Plan of the City of Riviera Beach.

This moratorium includes, but is not limited to, site plan approvals, plat appraisals, rezoning petitions, and building permits.

The projects with existing building permits and/or site plan approval shall be exempt from this ordinance.

SECTION 2. Any person, firm or corporation convicted of a violation of any of the provisions of this Ordinance shall be punished as prescribed in Section 1.8 entitled "General Penalty" of the Code of Ordinances.

SECTION 3. All Ordinances or parts of Ordinances or Charter provisions in conflict herewith are to the extent of such conflict repealed.

SECTION 4. In the event that any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

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

PASSED and APPROVED on first reading this 2Nd day of December, 1981.

PASSED and ADOPTED on second and final reading this 16th day of December, 1981.

APPROVED:

Mayor

Robert E. Moultrie
Chairman

Chairman Pro Tem

(MUNICIPAL SEAL)

ATTEST:

City Clerk

Councilmen

	1st Reading	2nd Reading
MOTIONED BY:	G. Adams	R. Dodd
SECONDED BY:	R. Dodd	G. Adams
R. MOULTRIE	Aye	Aye
G. ADAMS	Aye	Aye
R. DODD	Aye	Aye
P. BATES	Absent	Absent
O. THOMAS	Absent	Aye

December 3, 1981

The below Bill described by title only will be placed on second and final reading at the Regular Meeting of the City Council of the City of Riviera Beach, Florida to be held on December 16, 1981 at 7:30 P.M. at the City Hall, 600 W. Blue Herron Blvd. and from time to time thereafter as may be necessary for the purpose of enactment of the following Ordinance:

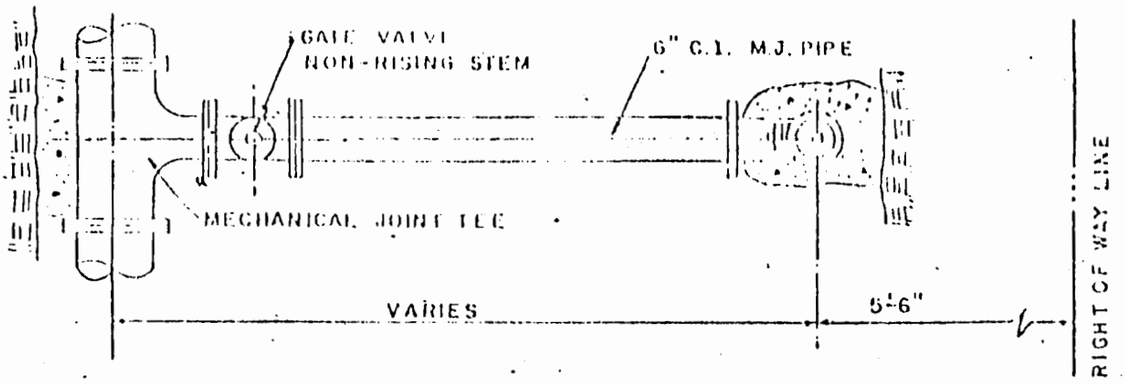
ORDINANCE NO. 2144

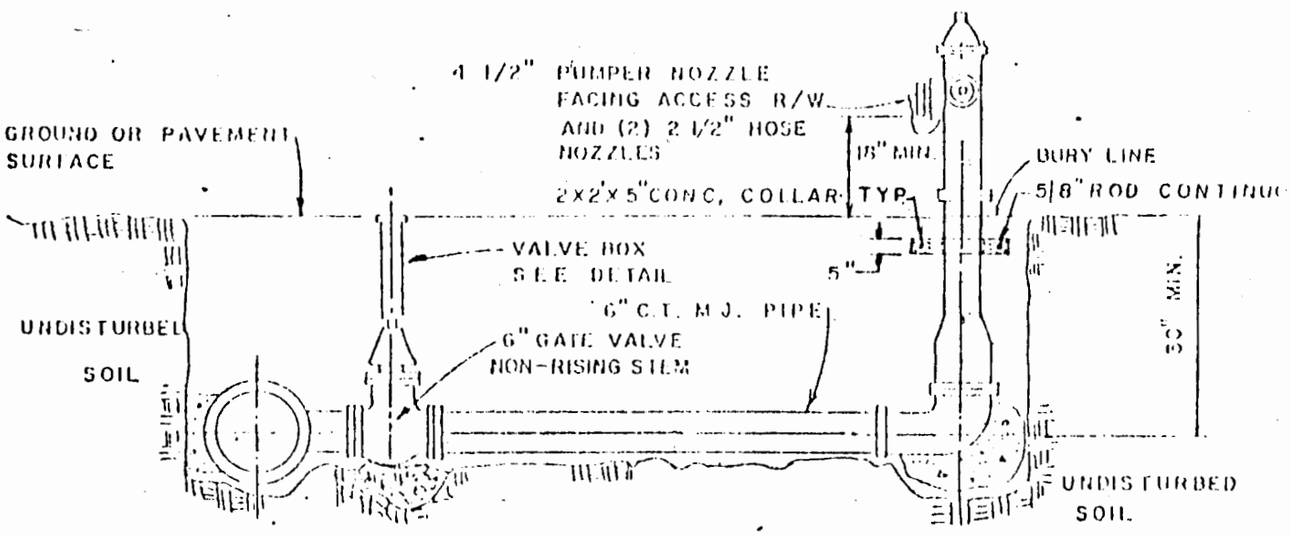
AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, PROCLAIMING CITY COUNCIL'S FINDINGS OF FACT AND DECLARATION OF A MORATORIUM FOR A PERIOD OF NINETY DAYS FROM THE DATE OF ENACTMENT OF THIS ORDINANCE ON ALL DEVELOPMENT PERMITS (AS DEFINED IN SECTION 163.3164 (6), FLORIDA STATUTES, CITED AS THE LOCAL GOVERNMENTAL COMPREHENSIVE PLANNING ACT) WHICH WOULD BE IN CONFLICT WITH THE ADOPTED COMPREHENSIVE PLAN OF THE CITY OF RIVIERA BEACH; PROVIDING AN EXEMPTION; PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

SAID ORDINANCE MAY BE INSPECTED BY THE PUBLIC AT ANY TIME DURING WORKING HOURS IN THE CITY CLERK'S OFFICE.

Interested parties may appear at said meeting and be heard with respect to the Ordinance.

Publish: December 9, 1981





NOTE:

1. HYDRANT SHALL BE INSTALLED PLUMB AND TRUE.
2. HYDRANT SHALL BE PAINTED RED.
3. HEEL AND THRUST BLOCK TO REST IN UNDISTURBED SOIL.
4. THE ONLY HYDRANTS ACCEPTABLE ARE: MUELLER BREAK-A-WAY AND DRESSER BREAK-A-WAY OR AS APPROVED

Rev. 2/15/78

EXHIBIT #2----

WATER AND SEWER SYSTEMS CONSTRUCTION STANDARDS AND DETAILS		W.S. 7-1 Sh. 1 of 1
RB	TYPICAL FIRE HYDRANT INSTALLATION	

ORDINANCE NO. 2146

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING CITY COUNCIL'S FINDINGS OF FACT, DEFINITION OF "TIME SHARING OR INTERVAL OWNERSHIP" DECLARING A MORATORIUM, PROVIDING A BOARD OF ADJUSTMENT AND APPEAL TO HEAR APPEALS, PROVIDING EXEMPTIONS, PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

CITY COUNCIL'S FINDINGS OF FACT.

WHEREAS, the city's Planning Board is the local agency responsible for the preparation, adoption, completion, updating and administration of the city's comprehensive plan and elements thereof, zoning ordinance and related construction codes, in accordance with the city's Charter adopted April 17, 1983, Article IV, Section 1, and pursuant to Part I of Chapter 166, Florida Statutes, and

WHEREAS, the city in furtherance of the health, safety and welfare of its citizens and others and to prevent excessive overcrowding or concentration of people or population and to provide for the orderly harmonious development of land within its corporate limits, the Planning Board is directed to review, study, deliberate, hold public hearing and to report its recommendation to the City Council as to the impact upon the city of "time sharing or interval ownership" development and the necessity, if any, for amendment of the comprehensive land plan, zoning ordinances and related construction codes to regulate such transactions and developments which were not provided for in the city's comprehensive land plan, zoning ordinances and related construction codes, and

WHEREAS, it is the best interest of the city during the period of time that the city is preparing and reviewing the impact upon the city of "time sharing or interval ownership" transactions and developments that a Moratorium be enacted prohibiting any "time sharing or interval ownership" transaction or

development for a period of time stated herein in order to enable the city's Planning Board and Professional Staff to complete comprehensive studies necessary to make final recommendations and to hold public hearings pertaining to the matters herein stated.

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

SECTION 1. Time Sharing or Interval Ownership - defined

For the purpose of this Ordinance, "Time Sharing and Interval Ownership" are declared to be identical uses and are defined in Definitions of Section 721.05 (1),(7),(14), and (15) of Chapter 721, Florida Statutes (1981).

SECTION 2. Moratorium Declared.

There is hereby declared to be a Moratorium on all Time Sharing or Interval Ownership transactions or developments within the corporate limits of the city, for a period of (6) Six months ~~days~~ from the final enactment of this Ordinance.

SECTION 3. Appeal Provided.

When there are practical difficulties or unnecessary hardships in the strict application of this Moratorium Ordinance, the City Council is hereby designated as a Board of Adjustment and Appeal and any person aggrieved may appeal to such Board of Adjustment and Appeal upon written notice and after a hearing the Board of Adjustment and Appeal may grant such relief as it deems equitable and just in the premises.

SECTION 4. Exemptions.

All Time Sharing or Interval Ownership plans filed and approved pursuant to Chapter 2-23, Florida Administrative Code, prior to July 1, 1981 or filed and approved by the Division of Florida Land Sales and Condominiums of the Department of Business Regulations, prior to the effective date of this Ordinance, shall be exempted from this Ordinance.

SECTION 5. Any person, firm or corporation convicted of a violation of any of the provisions of this Ordinance shall be

punished as prescribed in Section 1.8 entitled "General Penalty" of the Code of Ordinances.

SECTION 6. All Ordinances or parts of Ordinances or Charter provisions in conflict herewith are to the extent of such conflict repealed.

SECTION 7. In the event that any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

SECTION 8. This Ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED and APPROVED on first reading this 20th day of January, 1982.

PASSED and ADOPTED on second and final reading this 3rd day of February, 1982.

APPROVED:

Mayor

Robert E. Moultrie
Chairman

Chairman

Phyllis E. Bates

Octavia Thomas

Councilmen

(MUNICIPAL SEAL)

Carrie E. Ward
Deputy City Clerk

	1st. Reading	2nd. Reading
MOTIONED BY	G. Adams	R. Dodd
SECONDED BY	O. Thomas	G. Adams
R. MOULTRIE	Aye	Aye
G. ADAMS	Aye	Aye
R. DODD	Nay	Aye
P. BATES	Aye	Aye
O. THOMAS	Aye	Aye

RVV.

2146

The below Bill described by title only will be placed on second and final reading at the regular meeting of the City Council of the City of Riviera Beach, Florida to be held on February 3, 1982 at the City Hall 600 West Blue Heron Blvd. and from time to time thereafter as may be necessary for the purpose of enactment of the following Ordinance:

ORDINANCE NO. 2146

AN ORDINANCE OF THE CITY OF RIVIERA BEACH; PALM BEACH COUNTY, FLORIDA, DECLARING CITY COUNCIL'S FINDINGS OF FACT, DEFINITION OF "TIME SHARING OR INTERVAL OWNERSHIP" DECLARING A MORATORIUM, PROVIDING A BOARD OF ADJUSTMENT AND APPEAL TO HEAR APPEALS, PROVIDING EXEMPTIONS, PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

SAID ORDINANCE MAY BE INSPECTED BY THE PUBLIC AT ANY TIME DURING WORKING HOURS IN THE CITY CLERK'S OFFICE.

Interested parties may appear at said meeting and be heard with respect to the Ordinance .

Publish: Jan. 27, 1982

CW

Missing
Ordinance

2147

– not in book –

ORDINANCE NO. 2148

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SUB-PARAGRAPH 6 ENTITLED "CONSTRUCTION" OF PARAGRAPH (b) ENTITLED "SPECIFIC PROHIBITIONS" OF SECTION 11B-8 ENTITLED "PROHIBITED ACTS ENUMERATED" AND THE LAST PARAGRAPH OF SECTION 11-B9 ENTITLED "APPLICATION FOR SPECIAL CONSTRUCTION PERMIT" OF CHAPTER 11B ENTITLED "NOISE CONTROL" OF THE CODE OF ORDINANCES BY CHANGING THE COMMENCEMENT OF NORMAL CONSTRUCTION HOURS FROM 7:00 a.m. to 8:00 a.m. THROUGHOUT THE YEAR; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

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

SECTION 1. That subparagraph 6 entitled "Construction" of paragraph (b) entitled "Specific prohibitions" of Section 11B-8 entitled "Prohibited Acts Enumerated" of Chapter 11B entitled "Noise Control" of the Code of Ordinances is amended to read: "Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of 8:00 p.m. and ~~7:00 a.m.~~ 8:00 a.m. the following day on weekdays or at any time on Sundays or holidays, throughout the year, such that the sound therefrom creates a noise disturbance across a real property line or at anytime violates the provisions of Section 11B-6 or subsection (13) hereof, except for emergency work of public service utilities or by variance issued by the city council. This subsection shall not apply to the use of domestic power tools as specified in subsection (14).

SECTION 2. That the last paragraph of Section 11B-9 entitled "Application for special construction permit" of Chapter 11B entitled "Noise Control" of the Code of Ordinances is amended to read: "Upon any affirmative finding of the considerations, the city manager or his designee is authorized to issue the permit

requested and any extensions thereof, as may be required. During such periods or emergency activities for construction work and during the normal construction hours of ~~7:00 a.m.~~ 8:00 a.m. to 8:00 p.m., throughout the year, the noise levels generated by construction activities shall not exceed ninety (90) dBA for more than ten (10) per cent of the time when measured at a distance of fifty (50) feet from the construction site, provided, however, that pile driving on Sundays and holidays shall be excluded from the provisions of this section. Any person aggrieved by the decision of the city manager or his designated representative may appeal the decision to the city council.

SECTION 3. Any person, firm or corporation convicted of a violation of any of the provisions of this Ordinance shall be punished as prescribed in Section 1.8 entitled "General penalty" of the Code of Ordinances.

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

SECTION 5. In the event that any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not thereby be affected.

SECTION 6. Specific authority is hereby granted to codify this Ordinance.

PASSED and APPROVED on first reading this 3rd day of February, 1982.

ORDINANCE NO 2148

PASSED and ADOPTED on second and final reading this 17th day of February, 1982.

APPROVED:

Mayor

(MUNICIPAL SEAL)

Chairman

Chairman Pro Tem

Councilmen

ATTEST:

City Clerk

	1st Reading	2nd. Reading
MOTIONED BY:	Dodd	Dodd
SECONDED BY:	Thomas	Thomas
R. MOULTRIE	Aye	Aye
G. ADAMS	Aye	Aye
R. DODD	Aye	Aye
P. BATES	Aye	Absent
O. THOMAS	Aye	Aye

RVV.

The below Bill described by title only will be placed on second and final reading at the regular meeting of the City Council of the City or Riviera Beach, Florida to be held on February 17, 1982 at the City Hall 600 West Blue Heron Blvd. at 7:30 p.m. and from time to time thereafter as may be necessary for the purpose of enactment of the following Ordinance:

FILE

ORDINANCE NO. 2148

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SUB-PARAGRAPH 6 ENTITLED "CONSTRUCTION" OF PARAGRAPH (b) ENTITLED "SPECIFIC PROHIBITIONS" OF SECTION 11B-8 ENTITLED "PROHIBITED ACTS ENUMERATED" AND THE LAST PARAGRAPH OF SECTION 11-B9 ENTITLED "APPLICATION FOR SPECIAL CONSTRUCTION PERMIT" OF CHAPTER 11B ENTITLED "NOISE CONTROL" OF THE CODE OF ORDINANCES BY CHANGING THE COMMENCEMENT OF NORMAL CONSTRUCTION HOURS FROM 7:00 a.m. to 8:00 a.m. THROUGHOUT THE YEAR; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

SAID ORDIANCE MAY BE INSPECTED BY THE PUBLIC AT ANY TIME DURING WORKING HOURS IN THE CITY CLERK'S OFFICE.

Interested parties may appear at said meeting and the heard with respect to the Ordinance.

PUBLISH: February ~~11~~ 09, 1982

Missing

Ordinance

2149

– not in book –