

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3, OF SECTION 2-100 OF THE CODE OF ORDINANCES OF RIVIERA BEACH, FLORIDA RELATING TO RATES OF PAY AND SALARY SCHEDULE BE AMENDED BY CREATING THE UNCLASSIFIED POSITIONS OF LICENSE INSPECTOR AND OCCUPATIONAL LICENSE TECHNICIAN UNDER CLASS TITLE, PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

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

<u>CLASS TITLE</u>	<u>CLASSIFICATION</u>	<u>PAY GRADE/RANGE</u>
Building & Inspections	License Inspector	G25
Building & Inspections	Occupational License Technician	G14

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 All Ordinances or parts of Ordinances or Charter provisions in conflict herewith are to the extent of such conflict repealed.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 provisions or applications of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications thereof shall not be thereby affected.

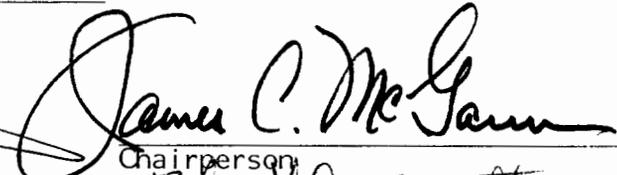
SECTION 5. This Ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED AND APPROVED on the first reading this 21st day of January, 1987.

PASSED AND APPROVED on the second and final reading this 4th day of February, 1987.

APPROVED:

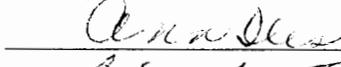
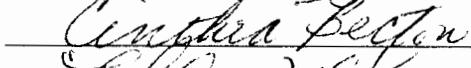

 Mayor


 Chairperson

ATTEST:


 City Clerk


 Chairperson Pro Tem


Council Members

ORDINANCE NO. 2327

1st Reading

Motioned by: R. Moultrie

Seconded by: A. Iles

J. McGann: aye

C. Becton: aye

~~G. Adams~~: aye

R. Moultrie: aye

A. Iles: aye

L. McKinney: aye

2nd Reading

A. Iles

R. Moultrie

aye

aye

aye

aye

aye

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3, OF SECTION 2-100 OF THE CODE OF ORDINANCES OF RIVIERA BEACH, FLORIDA RELATING TO RATES OF PAY AND SALARY SCHEDULE BY INCREASING THE SALARY OF CERTAIN UNIFORM POLICE EMPLOYEES REPRESENTED BY THE POLICE BENEVOLENT ASSOCIATION COLLECTIVE BARGAINING AGREEMENT; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. That Chapter 2, Article VI, Division of the Code of Ordinances of Riviera Beach, relating to rates of pay and salary schedule be amended by increasing the salary of certain uniform police employees represented by the Police Benevolent Association Collective Bargaining Agreement as follows:

- (1) All employees, unless otherwise noted herein, will receive at least a 3% general wage adjustment to their 1985-86 base salary.
- (2) The new minimum salary for 1986-87 is \$19,400. Current employees below the new minimum will have their salaries adjusted to the new minimum.
 - (a) current employees whose salaries are adjusted to the new minimum who do not receive 3% more than their 1985-86 salary will have their 1985-86 salary adjusted by 3%.
 - (b) current employees whose salaries are adjusted to the new minimum who received more than 3% of their 1985-86 salary will not be eligible for the 3% general wage increase.
- (3) All employees who have more than three (3) years experience as of October, 1986, with the City of Riviera Beach Police Department as a police officer will receive an additional 3%.

SECTION 2. That said wage increase adjustment shall take effect as of October 1, 1986, as computed and shown on the Schedule annexed hereto and made a part of this Ordinance.

SECTION 3. Any person, firm or corporation convicted of a violation of any 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 provisions of application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications thereof shall not be thereby affected.

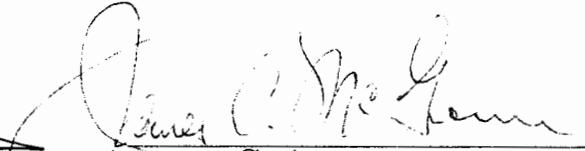
SECTION 6. This Ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED AND APPROVED on first reading 18th day of February 1987.

PASSED AND ADOPTED on second and final reading this 4th day of March, 1987.

APPROVED:


Mayor

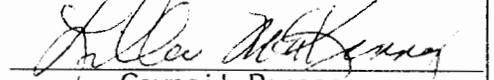

Chairperson


Chairperson Pro Tem

ATTEST:

City Clerk




Council Persons

1st Reading

2nd Reading

Motioned by: L. McKinney

Motioned by: R. Moultrie

Seconded by: A. Iles

Seconded by: L. McKinney

C. Becton: aye

C. Becton: aye

J. McGann: aye

J. McGann: aye

R. Moultrie: aye

R. Moultrie: aye

A. Iles: aye

A. Iles: aye

L. McKinney: aye

L. McKinney: aye

ORDINANCE NO. 2329

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2 ARTICLE VI, DIVISION 3, OF SECTION 2-100 OF THE CODE OF ORDINANCES OF RIVIERA BEACH, FLORIDA RELATING TO RATES OF PAY AND SALARY SCHEDULE BE AMENDED BY CREATING THE CLASSIFIED POSITION OF COUNSELOR UNDER CLASS TITLE VOLUNTEER & COMMUNITY SERVICES. PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

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

<u>CLASS TITLE</u>	<u>CLASSIFICATION</u>	<u>PAY GRADE/RANGE</u>
VOLUNTEER & COMMUNITY SERVICES	COUNSELOR	G25

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 provisions or applications of this Ordinance shall be held to be invalid, it is the legislative intent that the other provision and applications thereof shall not be thereby affected.

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

SIGNATURES ON PAGE TWO

ORDINANCE No. 2329

PASSED AND APPROVED on first reading this 3rd
day of June, 1987.

PASSED AND ADOPTED on second and final reading this 1st
day of July, 1987.

APPROVED:

Edna K. Williams Mayor
Don Dyer Chairperson

Alan Fox Chairperson Pro Tem
J. McGann

ATTEST:
Deborah L. Adams
City Clerk

Council Members

1st Reading

2nd Reading

Motioned by: J. McGann

A. Fox

Seconded by: D. Pettway

D. Pettway

D. Orange aye
A. Fox aye
D. Pettway aye
P. Owens aye
J. McGann aye

J. McGann aye
aye
aye
aye
aye

ORDINANCE NO. 2330

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3, OF SECTION 2-100 OF THE CODE OF ORDINANCES OF RIVIERA BEACH, FLORIDA RELATING TO RATES OF PAY AND SALARY SCHEDULE BE AMENDED BY TRANSFERRING THE UNCLASSIFIED POSITION OF DIRECTOR OF VOLUNTEER & COMMUNITY SERVICES FROM UNDER ADMINISTRATIVE, GENERAL TO CLASS TITLE VOLUNTEER & COMMUNITY SERVICES. PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

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

CLASS TITLE

<u>From</u>	<u>To</u>	<u>CLASSIFICATION</u>	<u>PAY GRADE/ RANGE</u>
ADMINISTRATIVE, GENERAL	VOLUNTEER & COMMUNITY SERVICES	DIRECTOR OF VOLUNTEER & COMMUNITY SERVICES	Rge. D

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 provisions or applications of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications thereof 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 3rd day of June, 1987.

PASSED AND ADOPTED on second and final reading this 2nd day of July 1987.

ORDINANCE NO. 2330

APPROVED:

Clara K. Williams
Mayor

[Signature]
Chairperson

Allen Fox
Chairperson Pro Tem

[Signature]

ATTEST:

[Signature]
City Clerk

Council Members

1st Reading

2nd Reading

Motioned by: J. McGann
Seconded by: P. Owens

P. Owens
D. Pettway

D. Orange nay
A. Fox aye
D. Pettway nay
P. Owens aye
J. McGann aye

[Signature] aye
aye
aye
aye
aye

ORDINANCE NO. 2331

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3, OF SECTION 2-100 OF THE CODE OF ORDINANCES OF RIVIERA BEACH, FLORIDA RELATING TO RATES OF PAY AND SALARY SCHEDULE BE AMENDED BY CREATING THE CLASS TITLE OF VOLUNTEER & COMMUNITY SERVICES. PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

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

CLASS TITLE

VOLUNTEER AND COMMUNITY SERVICES

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 provisions or applications of this Ordinance shall be held to be invalid, it is the legislative intent that other provisions and applications thereof 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 1st day of June, 1987.

PASSED AND ADOPTED on second and final reading this 15th day of July, 1987.

SIGNATURES ON THE NEXT PAGE

ORDINANCE NO. 2331

APPROVED:

Charles K. Williams D. Orange
MAYOR Chairperson

Allen H.
Chairperson Pro Tem

ATTEST:

Therese Lynn Owens
CITY CLERK

James C. McGann

D. Orange / A. Fox
Council Members

1st Reading

2nd Reading

Motioned by: P. Owens

A. Fox

Seconded by: A. Fox

P. Owens

D. Orange aye

aye

A. Fox aye

aye

D. Pettway aye

aye

P. Owens aye

aye

J. McGann aye

aye

ORDINANCE NO. 2332

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3 OF SECTION 2-100 OF THE CODE OF ORDINANCES OF RIVIERA BEACH, FLORIDA RELATING TO RATES OF PAY AND SALARY SCHEDULE BE AMENDED BY DELETING THE UNCLASSIFIED POSITIONS OF INSPECTOR OF POLICE, MAJOR OF POLICE, ADMINISTRATIVE ASSISTANT TO CHIEF OF POLICE, AND BY CREATING THE UNCLASSIFIED POSITION OF ASSISTANT POLICE CHIEF; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. That Chapter 2, Article VI, Division 3 of Section 2-100 of the Code of Ordinances of Riviera Beach, Florida relating to rates of pay and salary schedule is amended by deleting the following Unclassified positions:

<u>CLASS TITLE</u>	<u>CLASSIFICATION</u>	<u>PAY GRADE/RANGE</u>
PUBLIC SAFETY & SERVICE POLICE (SWORN)	Inspector of Police	H
	Major of Police	G
	Administrative Assistant to Chief of Police	D

SECTION 2. That Chapter 2, Article VI, Division 3 of Section 2-100 of the Code of Ordinances of Riviera Beach, Florida relating to rates of pay and salary schedule is amended by creating the following Unclassified position:

<u>CLASS TITLE</u>	<u>CLASSIFICATION</u>	<u>PAY GRADE/RANGE</u>
PUBLIC SAFETY & SERVICE POLICE (SWORN)	Assistant Police Chief	H

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 part 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 be thereby affected.

SECTION 6. This Ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED and APPROVED on first reading this 17th day of June, 1987.

PASSED and ADOPTED on second and final reading this 1st day of July, 1987.

APPROVED:

Clayton Williams
MAYOR

Don Pettway
CHAIRMAN

Allen Fox
CHAIRMAN PRO TEM

(MUNICIPAL SEAL)

Jacqueline Owens
CITY CLERK

Blues

COUNCILMEMBERS

1st Reading

2nd & Final Reading

Motioned By: A. Fox
Seconded By: P. Owens

D. Pettway
A. Fox

D. Orange aye
A. Fox aye
P. Owens aye
D. Pettway aye
J. McGann nay

aye
aye
aye
aye
aye

JLJ/dpm
6-10-87

ORDINANCE NO. 2333

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 10-11 ENTITLED "INSPECTION; NOTICE; FAILURE TO COMPLY" OF DIVISION 1 ENTITLED 'IN GENERAL' OF ARTICLE II ENTITLED 'GARBAGE, TRASH, WEEDS AND LITTER' OF CHAPTER 10 ENTITLED 'HEALTH AND SANITATION' OF THE CODE OF ORDINANCES PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AND EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. That Section 10-11, entitled "Inspection; notice; failure to comply" of Division 1 entitled "In General" of Article II entitled "Garbage, Trash, Weeds and Litter" of Chapter 10 entitled "Health and Sanitation" of the Code of Ordianaces is amended to read:

"Sec. 10-11. Inspection; notice; failure to comply.

If the city building code inspector or a duly authorized ~~member-of-his-department~~ city employee finds that any lot, tract, or parcel of land in the city is in violation of section 10-10 or section 10-10.1, he shall direct a notice to the owner of record of such property, by certified mail with a return receipt requested, at his last known mailing address as shown by the records of the tax assessor of the City of Riviera Beach, that said property is in violation of section 10-10, or section 10-10.1 of the Code of Ordinances of the City of Riviera Beach, that said property needs to be cleaned or the hazardous growth removed, and he shall in said notice order the owners of said property to clean same or remove hazardous growth within fifteen (15) days of the mailing of said notice. Said notice shall also state what the estimated cost of such clearing or removal work shall be, and that there will be added to such cost, ~~ten-(10)-per-cent~~ seventy-five dollars (\$75.00) for administrative and accounting costs, plus costs incurred for advertising, if the owners do not clean the land or remove hazardous growth. In the event the owner of any land, so notified, shall fail to comply with the order of said official, within said fifteen (15) days period so prescribed, then in that event the said official shall proceed to have such land cleaned and cleared or hazardous growth removed at the price quoted, and the city shall cause such bill to be paid, and he shall report his action to the legislative body, signifying the amount paid for such work and shall add thereto ~~ten-(10)-per-cent~~ seventy-five dollars (\$75.00) of such cost for administrative and accounting costs and any other costs incurred.

If there is an occupied dwelling on the property, a copy of said notice shall be served by an appropriate official of the city, including but not limited to a police officer, upon the occupant of said property, or upon any agent of the owner thereof. The mailing of such notice shall be sufficient proof thereof, and the delivery of notice to an occupied dwelling shall be equivalent to mailing. If the mailing address of the owner is not known and the property is unoccupied, and the owner has no agent in the city or the notice directed by certified mail is returned undelivered,

such notice shall be posted upon said property as notice to the owner thereof, a copy posted at an appropriate location at the city hall of the City of Riviera Beach and notice thereof published at least once not less than ten (10) days before cleaning, in a newspaper circulated in the city, calling attention to the owner of such violation; description of said property shall be included in such notice.

SECTION 2. 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 6, 1976.

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 thereby affected.

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

SECTION 6. This Ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED AND APPROVED on first reading this 17th day of June, 1987.

PASSED AND APPROVED on second and final reading this 1st day of July, 1987.

APPROVED:

Edna K. Williams
Mayor

[Signature]
Chairperson

ATTEST:

[Signature]
City Clerk

[Signature]
Chairperson Pro Tem

[Signature]
Council Persons

1st Reading

Motioned by: A. Fox

Seconded by: D. Pettway

D. Orange: aye

A. Fox: aye

J. McGann: aye

D. Pettway: aye

P. Owens III: aye

2nd Reading

Motioned by: A. Fox

Seconded by: P. Owens

D. Orange: aye

A. Fox: aye

J. McGann: aye

D. Pettway: out

P. Owens III: aye

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

CITY ATTORNEY

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 6, ENTITLED BUILDINGS, BY CREATING NEW SECTIONS FOR SPECIAL PERMIT FOR MOVING OF BUILDINGS IN CORPORATE BOUNDARIES OF THE CITY, PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City Council of City of Riviera Beach recognizes a need to adopt standards and procedures for moving of buildings from one location to another within its corporate limits.

WHEREAS, Indiscriminate moving of buildings can adversely impact the neighborhood character and property values.

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

SECTION 1. Chapter 6 entitled buildings is hereby amended by creating a new section entitled "Moving of Buildings" from one location to another as follows:

A. SPECIAL PERMIT REQUIRED:

No person, firm or corporation shall move a house or any other building into the City or from one location in the City to another location in the City without having obtained a special permit therefor from the City Council, pursuant to this section; provided, however, that this section shall not apply to those structures exempted herefrom by operation of state law.

B. APPLICATIONS REQUIREMENTS:

Thirteen copies of the following documents shall be submitted by the applicant to the City's Building Official:

1. Proof of ownership for the home to be relocated;
2. Proof of ownership of the lot on which the house will be relocated;
3. A survey of the lot;
4. A plot plan showing how the structure shall be located on the new lot to comply with zoning code. One copy of this plot plan shall be signed and sealed by a registered architect or engineer;
5. A letter from structural engineer certifying structural condition of the building;

6. The date and time house will be moved;
7. Date house will be ready for occupancy;

C. REQUIRED FINDINGS OF FACT:

The City Council shall not grant any Special Permit under this section unless it shall determine in each specific case that:

1. Granting a Special Permit will not be injurious or detrimental to public convenience, safety, health or welfare, nor detrimental to neighboring property or improvements; and
2. The house or other building will be compatible and in harmony with existing houses or other buildings in the area into which it is to be moved.

D. CONDITIONS MAY BE IMPOSED:

In order to secure substantial compliance with the objectives embodied in the required findings of fact stated above, the City Council, in granting a Special Permit under this section, may impose such conditions as it determines to be necessary and proper, and shall require deposit of a bond, amount of which bond shall be determined by City Building Official to guarantee completion of work.

E. PUBLIC HEARING:

Prior to the granting of any Special Permit under this section, the City Council shall hold a public hearing to consider it, with notice given as follows:

1. Notice of the time, place and purpose of such hearing shall be published once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing:
2. The applicant for such special permit shall bear the expense of, providing due written notice of the time, place and purpose of such hearing to all property owners within three hundred (300) feet of the property onto which the house or other building is to be moved. Such notice shall be sent first class mail by the City Clerk, at least 15 days prior to the public hearing.

F. APPLICATION FEE:

An initial application fee of \$50, payable to the City of Riviera Beach, shall accompany each application for special permit under this section.

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 in conflict herewith are to the extent of such conflict repealed.

SECTION 4. In the event that any provision of 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. Specific authority is hereby granted to codify this Ordinance.

Section 6. This Ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED AND APPROVED on first reading this 1st day of July, 1987.

PASSED AND ADOPTED on Second reading and final reading this 15th day of July, 1987.

APPROVED:

Clara K. Williams
MAYOR

[Signature]
CHAIRMAN

[Signature]
CHAIRMAN PRO TEM

(MUNICIPAL SEAL)

[Signature]
CITY CLERK

[Signature]

[Signature]
COUNCIL MEMBERS

1st Reading

2nd & Final Reading

Motioned By: P. Owens

J. McGann

Seconded By: A. Fox

A. Fox

D. Orange: aye

aye

A. Fox: aye

aye

J. McGann: aye

aye

P. Owens: aye

aye

D. Pettway: aye

aye

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 11. LICENSING. OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH, TO CREATE A NEW ARTICLE C. CABLE TELEVISION FRANCHISES; PROVIDING FOR SHORT TITLE; PROVIDING FOR DEFINITION OF TERMS; PROVIDING FOR THE REQUIREMENT OF A FRANCHISE AND FOR CONTENTS OF FRANCHISE APPLICATIONS; PROVIDING APPLICATION PROCEDURES, INCLUDING EVALUATION AND REVIEW AND NOTICE AND HEARINGS; PROVIDING GENERAL REQUIREMENTS, INSURANCE AND BOND PROVISIONS, INDEMNIFICATION REQUIREMENTS AND TRANSFER AND ASSIGNABILITY RESTRICTIONS; REQUIRING COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES; PROVIDING REGULATIONS FOR THE OPERATION AND MAINTENANCE OF A CABLE SYSTEM; REQUIRING SERVICE TO SCHOOLS AND PUBLIC BUILDINGS; PROVIDING FOR EMERGENCY USE OF FACILITIES; PROVIDING SAFETY REQUIREMENTS; PROVIDING CONDITIONS FOR STREET OCCUPANCY; PROVIDING FOR EQUAL EMPLOYMENT PRACTICES; PROVIDING FOR CITY RIGHTS IN FRANCHISE; PROVIDING FORFEITURE AND LIQUIDATED DAMAGE PROVISIONS; PROVIDING FOR THE RENEWAL OF FRANCHISES; REQUIRING THE DESIGNATION OF CHANNEL CAPACITY FOR PUBLIC, EDUCATIONAL AND GOVERNMENTAL USE; PROVIDING FOR RATES AND CHARGES TO SUBSCRIBERS; PROVIDING FOR THE REMOVAL OF FACILITIES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Federal Cable Communications Policy Act of 1984, Public Law 98-549, provides that cable service may not be provided without a franchise; and

WHEREAS, the City Council of the City of Riviera Beach has granted two (2) non-exclusive franchises to operate cable systems within the City; and

WHEREAS, the City Council anticipates that it may receive requests for renewal of the existing franchises by current franchise grantees and for new franchises by other persons; and

WHEREAS, the City Council deems it desirable to amend the Code of Ordinances of the City of Riviera Beach to

set forth criteria and procedures for acceptance and evaluation of applications for new franchises and renewal of existing franchises for the operation of cable systems.

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

Section 1: Chapter 11, LICENSING., of the Code of Ordinances of the City of Riviera Beach, Florida, is hereby amended by creating a new Article C, CABLE TELEVISION FRANCHISES, which shall read as follows:

ARTICLE C. CABLE TELEVISION FRANCHISES.

Section 11C-1. Short Title.

This Ordinance shall be known and may be cited as the Riviera Beach CATV Ordinance.

Section 11C-1.1. Definition of Terms.

For the purposes of this Ordinance, the following terms, phrases, words, abbreviations and their derivation shall have the same meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include singular number; and words in the singular number include the plural number.

A. Cable Service - means 1) the one-way transmission to subscribers of video programming, or other programming service, and 2) subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

B. Franchise - means an initial authorization, or renewal thereof, to operate a cable system within the City (including a renewal of an authorization which has been granted subject to 47 U.S.C., §546, Cable Communications Policy Act of 1984), issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a cable system.

C. Person - means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

D. Cable System - means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include a) a facility that serves only to retransmit the television signals of one (1) or more television broadcast stations; b) a facility that serves only subscribers in one (1) or more multiple unit dwellings under common ownership, control or management, unless such facility or facilities uses any public right-of-way; c) a

facility of a common carrier which is subject, in whole or in part, to the provisions of subchapter II of the Cable Communications Policy Act of 1984, except that such facility shall be considered a cable system [other than for the purposes of 47 U.S.C., §541(c), of the Cable Communications Policy Act of 1984] to the extent such facility is used in the transmission of video programming directly to subscribers; or d) any facilities of any electric utility used solely for operating its electric utility systems.

E. City - means the City of Riviera Beach, Florida.

F. City Council - means the City Council of the City of Riviera Beach, Florida.

G. Grantee - means any person granted a franchise pursuant to City ordinance.

H. Subscriber - means an authorized recipient legally receiving cable service.

I. Operator - means any person operating a cable system within the City who shall, nevertheless, be subject to all of the terms and conditions of this Ordinance.

J. Grade B Contour - means the field strength of the television broadcast station computed in accordance with regulations promulgated by the Federal Communications Commission.

Section 11C-1.2. Application Criteria; Fees.

I. Requirement of Franchise; Contents of Application.

No person shall construct, install, maintain or operate a cable system in the City, nor shall any person provide cable service or acquire ownership or control of a cable system in the City without such person having first obtained a franchise therefor from the City in the form of a franchise agreement between the City and the grantee, which franchise agreement shall include, at a minimum, compliance with the specifications of this Ordinance.

Every application for a franchise to install, construct, maintain or operate a cable system in the City or to furnish cable service therein shall be made in writing to the City Council in such form as may be prescribed by the City Council and contain, at a minimum, the following:

A. The applicant's name and address.

B. Information establishing that the applicant is a United States citizen or corporation, and does not directly or indirectly have a cognizable interest, as defined in 47 C.F.R., §76.501, Note 2, in any of the following:

(i) A national broadcast television network;

(ii) A television broadcast station whose predicated grade B contour overlaps in whole or in part the service area of the proposed cable system;

(iii) A telephone company operating in the City.

C. Information demonstrating the financial capability of the applicant to construct and operate the proposed cable system, including clearly identified, committed sources of financing available

for the system, over and above all other financial commitments and resources of the applicant and any parent or affiliated organization of the applicant.

D. Information demonstrating the financial feasibility of the proposed cable system which shall include data on the economic demand for the proposed cable system, the existing and potential subscriber base to financially support the proposed cable system, and the effect, if any, on overbuilding of any existing cable system(s). Applicant shall disclose all economic and demographic assumptions, facts or factors which are incorporated in, or form the basis for, its demonstration of financial feasibility.

E. Information demonstrating the technical excellence of the proposed cable system and its interconnection capabilities with existing cable systems within the City; and the experience and professional qualifications of the applicant to construct and operate a cable system.

F. Information demonstrating the impact of construction of the communication and electrical lines on the existing utility pole and underground utility systems, including assessment of adequate space and pole position; the impact on rights-of-way, including the frequency and extent of disruption of rights-of-way, and the potential conflicts with other rights-of-way users (including vehicular traffic).

G. Information demonstrating the rate and feasibility of the construction schedule for the cable system, as well as the applicant's commitment to upgrading of the system.

H. Information demonstrating applicant's familiarity with the community to be served, including, but not limited to, knowledge of the ethnic, socio-economic, racial and general demographic makeup of the neighborhoods to be served.

I. Information demonstrating the extent to which existing cable systems are meeting the community needs and interests, and the manner and extent to which the applicant proposes to meet community needs and interests.

J. Such other information as the City Council may require in order for it to fully review, investigate and evaluate applicant and its application.

II. Application for Franchise.

Each application shall be accompanied by a filing fee in the amount of \$_____. This fee shall be used to pay the cost of processing the application, including consultant's fees, and the time and materials of the City required for the processing. Any part of the filing fee which is not required to meet the cost of processing shall be returned pro rata to applicant.

Section 11C-1.3. Application procedures; Evaluation and Review; Notice and Hearings.

The applicant shall file ten (10) copies of the application for a cable system franchise with the

City Manager. Upon receipt of an application, the City Manager (or his designated agent) shall review and evaluate said application and may request additional or clarifying information concerning the application. Upon receipt of the requested additional or clarifying information from applicant, the City Manager (or his designated agent) shall require applicant, at its own expense, to publish notice of its intent to seek a cable system franchise from the City in a newspaper of general circulation within the City limits, which notice shall contain a brief description of the application.

Following publication of the notice, the City Council shall schedule a public hearing at which applicant shall explain its application, and all interested persons shall be allowed to participate. Following the public hearing, the City Council shall undertake an evaluation and review of the applicant's application and may utilize consultants knowledgeable in the field of cable television for analysis of applicant's proposals. In evaluating an application, the City Council shall consider the applicant's legal, financial, technical, and other qualifications; the adequacy of its proposed system; and, if applicable, the impact and viability of multiple cable system grantees serving the City. In evaluating the impact and viability of multiple cable system grantees serving the City, the City Council shall consider:

- A. The capacity of public rights-of-way to accommodate the cable system;
- B. The present and future use of the public rights-of-way to be used by the cable system;
- C. The potential disruption to existing users of the public rights-of-way to be used by the cable system and the resultant inconvenience which may occur to the public;
- D. The financial ability of the franchise applicant to perform;
- E. The potential additional long-term benefits to subscribers;
- F. The potential adverse effect on financial and operating capability of current franchisees and their capability to provide quality service and system expansion; and
- G. Other societal interests as are generally considered in cable television franchising.

The City Manager shall then issue a preliminary report and recommendation. This preliminary report and recommendation shall be presented to the City Council at a regularly scheduled Council meeting, and all interested persons shall be allowed to participate. The City Council shall thereafter issue its final decision denying applicant's application or directing the City Manager to proceed to negotiate a cable system franchise between the City and applicant. Any cable system franchise negotiated between the City Manager and applicant shall be considered and may be approved by the City Council only at a scheduled Council meeting, and only if the applicant

agrees to comply with all of the terms and conditions of this Ordinance and the franchise grant.

Section 11C-1.4. General Requirements, Insurance and Bond Provisions; Indemnification by Grantee; and Transfer and Assignability Restrictions Applicable to Every Grantee.

I. General Requirements.

Every grantee shall comply with the following general requirements:

A. The service area of the franchise shall be the entire territorial limits of the City as it exists at the time the franchise is granted, and any areas added thereto during the term of the franchise. The grantee shall serve all portions of the franchise area under the following terms and conditions:

- (i) All portions of the franchise area currently being served by another cable system shall be served by grantee within thirty-six (36) months of the date the franchise is granted.

(ii) All portions of the franchise area not currently being served by another cable system shall be served by grantee within twelve (12) months of the date the franchise is granted.

(iii) Grantee's cable service shall be uniform and non-discriminatory as to rates, programming and signal quality throughout the franchise area.

B. No franchise, or renewal thereof, may be granted for a period of time greater than fifteen (15) years, with conditions for extensions not to be greater than ten (10) years.

C. Every franchise shall be conditioned on the faithful performance by grantee of the terms and conditions thereof.

D. Access to cable service shall not be denied by any grantee to any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides.

E. Grantee shall pay the City five (5%) per cent of the gross subscription revenue received by the company for cable television service provided to subscribers within the corporate limits of the City as now or hereafter constituted. Said payments shall be made on a quarterly basis. Gross subscription revenue shall mean all revenue received by grantee for providing basic, expanded basic, premium, pay and other video and audio services to subscribers.

II. Insurance and Bond Provisions.

A. Each grantee shall, concurrent with the granting of a franchise to construct and operate a cable system, post with the City Manager, at the grantee's sole expense, a corporate surety bond issued by a company and in a form approved by the City Manager, in the penal sum of at least \$ _____, for the completion or construction of the cable system, and to guarantee completion of the system within the time required by the franchise. Said construction bond will stand released one (1) year after written notification by the grantee to the City Manager of completion of construction under the franchise, unless the City Manager or the City Council shall within said one (1) year term determine, and in writing notify the grantee that construction has not been completed as required by grantee's franchise.

B. Each grantee shall pose with the City Manager, and at all times thereafter, maintain in full force and effect for the term of the franchise, or any renewals thereof, at the grantee's sole expense, a corporate surety bond issued by a company and in a form approved by the City Manager, allowing in the amount of \$ _____, renewable annually and conditioned upon the faithful performance of grantee, and upon further condition that in the event grantee shall fail to comply with any one (1) or more provisions of this Ordinance or its franchise, there shall be recoverable jointly and severally

from the principal and surety of such bond, any damages or loss suffered by the City as a result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of grantee as proscribed by applicable law, which may be in default, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond; said condition to be a continuing obligation for the duration of such franchise and any renewal thereof; and thereafter until the grantee has liquidated all of its obligations with the City that may have arisen from the acceptance of said franchise or renewal by grantee, or from its exercise of any privileges therein granted. The bond shall provide thirty (30) days prior written notice of intention not to renew, cancellation, or material change be given to the City.

C. No bond accepted by the City pursuant to this Ordinance, nor any damage recovered by the City thereunder, shall be construed to excuse faithful performance by the grantee, or limit the liability of grantee under any franchise issued by the City, or for damages, either to the full amount of the bond or otherwise.

D. Grantee shall, concurrently with the granting of a cable system franchise to grantee, furnish to the City and file with the City Manager, and at all times during the existence of any franchise granted by the City, maintain in full force and effect, at its own cost and expense, a general comprehensive liability insurance policy, in protection of the City, its officers, boards, council members, agents and employees, by a company admitted to do business in the State of Florida by the State Insurance Commissioner of the State of Florida, and approved by the City Manager, and in a form satisfactory to the City Manager, protecting the City and all persons against liability for loss or damage for bodily injury liability and property damage liability or death and personal injury liability including, but not limited to, liable, slander, defamation of character, invasion of privacy, wrongful eviction or wrongful entry, false arrest, detention or imprisonment, or malicious prosecution, occasioned by the operations of grantee under its franchise with minimum liability limits of \$_____ for personal injury or death of any one (1) person, and \$_____ for personal injury or death of two (2) or more persons in any one (1) occurrence, and \$_____ for damage to property resulting from any one (1) occurrence. All said insurance policies shall name the City, its officers, boards, council members, agents and employees, as additional insureds, and shall contain a provision that a written notice of cancellation or reduction in coverage of said policy shall be delivered to the City thirty (30) days in advance of the effective date thereof.

III. Indemnification.

Grantee shall fully indemnify and hold the City harmless from all liability arising out of, or pertaining to, the installation of grantee's facilities and the operation of the cable system within the City.

IV. Transfer and Assignability Restrictions.

A. No franchise may be sold, transferred, assigned, or set over to another by the grantee unless such transaction is first approved by the City Council after receipt of a written application therefor containing the same information as to the proposed transferee as would be required of an original applicant. Prior approval of the City Council shall be required where ownership or control of more than twenty-five (25%) per cent of the cable system, or the right to operate the cable system, or control of the grantee is acquired by a person or group of persons acting in concert, none of whom already own or control twenty-five (25%) per cent or more of the right of control, singularly or collectively, of the grantee.

B. No franchise, nor any part or portion thereof, may be sold, transferred, assigned or set over to another by the grantee until the facilities and services which the grantee has agreed to provide and install pursuant to the applicable franchise agreement have been ninety (90%) per cent completed and operational for a minimum period of three (3) years.

Section 11C-1.5. Compliance with Applicable Laws and Ordinances.

A. Grantee shall, at all times during the life of this franchise, be subject to all lawful exercise of the police power by the City and to such regulation as the City shall hereafter provide, and grantee shall fully comply with all applicable laws, rules and regulations now in effect or hereinafter adopted by the Federal Communications Commission, the City, the State of Florida, and the United States.

B. Copies of all petitions, applications, and communications submitted by the grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting grantee's cable television system authorized pursuant to this franchise, shall be provided to the City upon request for the same.

Section 11C-1.6. Operation and Maintenance of System.

A. Grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the system. Grantee shall operate the system so that there will be no interference with television reception, radio reception, telephone communications, or other installations which are or may hereafter be installed and in use by the City or any persons in the City.

B. Grantee shall have a customer service representative employed by grantee available to handle customer calls from 8:00 a.m. to 8:00 p.m., Monday through Friday, excluding holidays and weekends.

During all other times, each system must have a capable answering service for messages on repair service phone lines. Answering machines are not acceptable. Grantee shall maintain a log of calls made to the answering service, which shall be made available to the City Manager or his designee.

C. Upon receipt of a service complaint involving an outage or other severe reception problem during normal working hours, the grantee shall respond by correcting the service complaint within four (4) hours, or by contacting the complainant and indicating why it cannot be remedied. The grantee shall respond to service complaints involving an outage or severe reception problem received during the non-normal business hours by correcting the service complaint within twelve (12) hours or by contacting the complainant within the same time period to indicate why it cannot be corrected in that time period and when the situation will be remedied. All complaints shall be corrected within twenty-four (24) hours except for matters outside of the control of the grantee.

D. Grantee shall schedule service calls with subscribers to the extent reasonably practicable. The scheduling shall, at a minimum, be in time-frames of visitation of no more than four (4) hours. If the appointment cannot be kept, cable operator shall notify the subscriber.

E. In the event service to any subscriber is interrupted for twenty-four (24) hours or more through the fault of grantee, the grantee shall provide such subscriber with a pro rata rebate or credit. In calculating the rebate or credit, the time of outage shall be calculated from the time the outage is reported to the grantee.

F. Grantee shall maintain records of the time of complaint, nature of complaint, and any corrective action taken. These records shall be held by the grantee for two (2) years and shall be made available to the City upon request. A summary of complaints shall be prepared by the grantee and submitted to the City upon request, but not more often than annually, beginning twelve (12) months after service is provided to the first subscriber. The City Manager, or his designee, may establish by rule a format for the annual summary.

G. Grantee shall notify subscribers, at the time of initial subscription to the system, of the procedure for reporting and resolving complaints by delivering to each subscriber a written notice in a form approved by the City Manager, or his designee, including a statement that unresolved complaints may be reported to the City Manager, or his designee.

Section 11C-1.7. Service to Schools and Public Buildings.

Grantee shall install and provide basic service through one (1) basic standard service drop to each public school, fire station, police station, and City administration building within the City for educational or governmental purposes upon request by the City and at no cost to the City or

to the public school system. Any internal distribution system within the building to which the free service is provided shall be at the expense of the party receiving the service and will be installed by grantee at cost upon request. Grantee may, at its election, provide similar services without cost to private schools, including parochial or other religious schools.

Section 11C-1.8. Emergency Use of Facilities.

In the case of any emergency or disaster, grantee shall, upon request of the Mayor or City Manager, make available its facilities to the City for emergency communications use during the emergency or disaster period. Grantee will provide a radio or character-generated signal override capability which will facilitate audio or video communications with all subscribers of grantee during such emergency.

Section 11C-1.9. Safety Requirements.

A. Grantee shall at all times employ due care in the construction, operation, maintenance, removal and use of the cable television system, using commonly accepted industry practices and equipment to avoid failures and accidents which are likely to cause damage, injuries or nuisances to the public.

B. Grantee shall install, operate and maintain its wires, cables, fixtures and other equipment in accordance with the requirements of the National Electric Safety Code promulgated by the National Bureau of Standards and the National Electrical Code of the American Insurance Association, and in such manner that they will not interfere with any installations of the City or of a public utility serving the City.

C. All structures and all lines, equipment and connections in, over, under and upon the streets, easements and swales, sidewalks and public ways and places of the City, wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition and in good order and repair.

D. Grantee shall maintain a force of employees sufficient to provide a safe, adequate and prompt service for its facilities in accordance with industry standards.

Section 11C-1.10. Conditions of Street Occupancy.

A. All transmissions and distribution structures, lines and equipment erected by grantee within the City shall be first approved by the City upon application by the grantee, and shall be so located as to cause minimum interference with the proper use of streets, easements and swales, sidewalks, alleys and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of said streets, easements and swales, sidewalks, alleys or other public ways and places.

B. In cases of disturbance of any street, easement, and swale, sidewalk, alley, public way or paved area, grantee shall, at its own cost and expense and in a reasonable manner approved by the City Engineer, replace and restore such street, sidewalk, easement and swale, alley, public way or paved area in as good a condition as before the work involving such disturbances was done, and shall maintain such repairs for one (1) year after the completion of same.

C. If at any time during the period of a franchise granted hereunder, the City shall lawfully elect to alter or change the grade of any street, easement, swale, sidewalk, alley or other public way, or to relocate or install additional paving or utilities, grantee, upon reasonable notice by the City, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures as its own expense.

D. Any poles or other fixtures placed in any public way by grantee shall be placed in such manner as not to interfere with usual travel or any utilities located in or on such public way.

E. Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and grantee shall have the authority to require such payment in advance. Grantee shall be given not less than seventy-two (72) hours' advance notice to arrange for such temporary changes.

F. Grantee shall have the authority to trim trees upon and overhanging streets, easements and swales, alleys, sidewalks and public ways and place of the City, so as to prevent the branches of such trees from coming in contact with the wires and cables of grantee; except that, at the option of the City, upon request of grantee, such trimming may be done by City or under City's supervision and direction at the expense of grantee.

G. In all sections of the City where the cables, wires or other like facilities of public utilities are presently placed underground or are required to be placed underground at any time in the future, grantee shall place its cables, wires or other like facilities underground to the maximum extent that existing technology reasonably permits the grantee to do so.

H. The City shall not be required to assume any responsibility for the securing of any rights-of-way or easements, nor shall the City be responsible for securing any permits or agreements with other persons or utilities.

Section 11C-1.11. Employment Practices.

A. Equal opportunity in employment shall be afforded all qualified persons by grantee, and no person shall be discriminated against because of race, color, religion, national origin, or sex.

B. Grantee shall establish and adhere to the procedures, policies and reporting requirements established by §634 of the Cable Act and the regulations adopted thereunder.

Section 11C-1.12. City Rights in Franchise.

A. The right is hereby reserved to the City or the City Council to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power.

B. The City shall have the right to inspect, during grantee's normal business hours, the books, records, maps, plans and other like materials of grantee, as such books, records, maps, plans and other materials relate to or affect grantee's financial obligations to the City set forth in this chapter.

C. The City shall have the right, during the life of a franchise issued hereunder, to install and maintain free of charge upon the poles of the grantee any wire and pole fixtures necessary for a police alarm system, on the condition that such wire and pole fixtures do not interfere with the operations of grantee's system.

D. The City shall have the right to supervise all construction or installation work performed by grantee under this Ordinance or its franchise, and make such inspections as it shall find necessary to ensure compliance with the terms of this Ordinance and other pertinent provisions of law.

E. The City's rights with respect to the renewal and purchase or transfer upon non-renewal or revocation of the grantee's franchise are set forth in §626 and §627 of the Cable Act.

F. City shall have the right to intervene in any suit or proceeding in which grantee is a party, and grantee shall not oppose intervention by City in any such suit or proceeding.

Section 11C-1.13. Maps, Plats and Reports.

A. Upon request, grantee shall file with the City Engineer accurate maps of its system, showing construction and distribution networks, and grantee shall maintain same current.

B. Grantee shall file annually with the City Finance Director, within ninety (90) days after the end of grantee's fiscal year, a certified public accountant's statement of the gross receipts derived from grantee's subscribers within the area designated by its franchise for said year.

Section 11C-1.14. Forfeiture of Franchise and Liquidated Damages.

A. In addition to all other rights and powers pertaining to the City by virtue of this Ordinance or otherwise, the City reserves the right to revoke, terminate and cancel grantee's franchise and all rights and privileges of the grantee hereunder in that grantee:

1. Violates any provision of this Ordinance or its franchise or any lawful rule, order or determination of the City or City Council made pursuant to this Ordinance;

2. Becomes insolvent, is unable or unwilling to pay its debts, or is adjudged bankrupt;
3. Attempts to dispose of any of the facilities or property of the system with intent to prevent the City from purchasing same;
4. Attempts to evade any of the provisions of this Ordinance, or practices any fraud or deceit upon the City;
5. Fails to submit applications for all necessary licenses and permits within thirty (30) days after grant of its franchise, copies of which applications shall be filed with the City Clerk, and/or fails to commence construction within sixty (60) days after grantee's receipt of all required licenses and/or permits;
6. Fails to construct the system or to extend service in accordance with the provisions of Section 11C-1.3. of this chapter.

B. Such revocation, termination and cancellation shall be as follows:

1. Notice shall be sent from the City by the City Manager to grantee, by registered or certified mail or hand delivery;
2. Said notice shall specify in a general way, so as to be reasonably understood, the particular terms, conditions or provisions of the franchise or ordinance which have been or are being violated, and shall name a reasonable time not less than twenty (20) days thereafter, within which to strictly comply with such terms, conditions or provisions;
3. If grantee shall, after service of such notice, fail to comply or undertake and maintain diligent efforts to comply with any of such terms, conditions or provisions within the time therein prescribed [not less than twenty (20) days], then the City shall initiate a proceeding before the City Council for the forfeiture of grantee's said franchise, grants, privileges, rights, licenses and immunities;
4. Upon failure of grantee to comply with any such terms, conditions or provisions of said notice within the reasonable time specified therein, the City may remove from any streets, alleys, or easements all property of grantee, as if no franchise, grant, privilege, right, license or immunity had ever been given;

C. The City Manager, may, rather than seeking a declaration of forfeiture, require the payment of liquidated damages of up to one hundred dollars (\$100.00) per day per occurrence for any violations described in subsection A(6) of this Section upon failure to remedy such violation within sixty (60) days after notice by the City. The City Manager

shall be the arbiter of all disputes and conflicts regarding the violation of that subsection; provided, however, the decision of the City Manager shall be reviewable by the City Council. The imposition of liquidated damages shall not constitute a waiver of the City's right to halt the running of liquidated damages and/or seek a forfeiture of the franchise.

Section 11C-1.15. Renewal of Franchise.

A. At the termination of the initial franchise period, the rights and privileges granted hereunder may be renewed for the existing grantee pursuant to the provisions of the Cable Act.

B. All applications for a renewal of a franchise shall be in the form required by the City, and shall be accompanied by a \$ _____ non-refundable application fee, which shall be used by the City to process the application and set up the terms of any new franchise agreements.

C. In addition to the application fee for renewal, the applicant shall be required to reimburse the City for all costs incurred by City in the renewal process, including but not limited to costs of publication, consultants, legal counsel, engineers, and other experts necessary to analyze and negotiate the renewed franchise.

Section 11C-1.16. Designation of Channel Capacity for Public, Educational, or Governmental Use.

Within one (1) year from the date of the award of a franchise hereunder, but not before December 31, 1990, grantee shall designate in writing and activate one (1) channel for use by the City, in common with other franchising authorities, for the broadcast by the City or such other franchising authority, or its duly established designee, of such public, educational or governmental programming as desired from time to time by the City or other franchising authorities utilizing the said channel, and shall have reasonable access to such channel on a par with other franchising authorities having access to such channel.

Section 11C-1.17. Rates and Charges to Subscribers.

A. The rates and charges for all cable television services offered by the grantee, including all installation charges for such services, shall be set by the grantee.

B. Notice of any change in the structure of programs offered as a basic service or any increase in basic cable service rates and/or charges by the grantee shall be given to subscribers in writing no less than thirty (30) days prior to the effective date of the institution of such program changes within its basic service, or any such increase in rates and/or charges for basic cable service; provided, however, that thirty (30) days notice of any change in the structure of the programs offered as a basic service shall not be required if the program structure change is beyond the control of the grantee, and the grantee was not given thirty (30) days notice from its supplier of the change.

C. Grantee shall not discriminate between individual subscribers served by any integrated cable television system controlled by grantee as to any charge for cable or other services unless the services are different; provided, however, that nothing shall prevent grantee from entering into bulk rate contracts for cable services.

D. No cable or other services shall be denied to any group of potential residential subscribers because of the income of the residents of the local area in which such group resides.

Section 11C-1.18. Removal of Facilities.

Upon termination of service to any subscriber, grantee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his request, except those facilities and equipment located in public areas, and repair any damages resulting from such removal.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: Should any section or provision of this Ordinance, or any portion thereof, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Ordinance.

Section 4: Specific authority is hereby given to codify this Ordinance.

Section 5: This Ordinance shall become effective immediately upon passage.

FIRST READING this 17th day of June, 1987.

SECOND READING and FINAL PASSAGE this 1st day of July, 1987.

CITY OF RIVIERA BEACH, FLORIDA

Oliver K. Williams
MAYOR

James C. McGinnis
COUNCIL MEMBER

Allen F.
COUNCIL MEMBER

Joe E.
COUNCIL MEMBER

John D.
COUNCIL MEMBER

COUNCIL MEMBER

ATTEST:

James E. Davis
CITY CLERK

AN ORDINANCE OF CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3 OF SECTION 2-118, PARAGRAPH 2 OF THE CITY CODE OF ORDINANCES OF RIVIERA BEACH, FLORIDA, RELATING TO APPOINTED PERSONNEL BE AMENDED BY DELETING THE UNCLASSIFIED POSITION OF REFUSE SUPERINTENDENT, STREETS AND CANALS SUPERINTENDENT AND VEHICLE MAINTENANCE SUPERINTENDENT, PROVIDING A PENALTY CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. That Chapter 2, Article VI, Division 3 of Section 2-118, Paragraph 2, of the Code of Ordinances of Riviera Beach, Florida, relating to appointed personnel is hereby amended by deleting the following unclassified positions:

ADMINISTRATIVE CLASSIFICATION

Superintendent of Streets & Canals
and Property Maintenance

Superintendent of Refuse

Superintendent of Vehicle Maintenance

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 "General Penalty" of the Code of Ordinances.

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

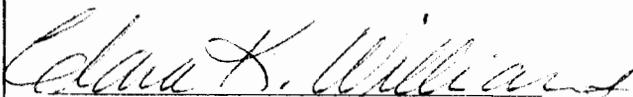
SECTION 4. In the event that any provision or application of this Ordinance shall be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

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

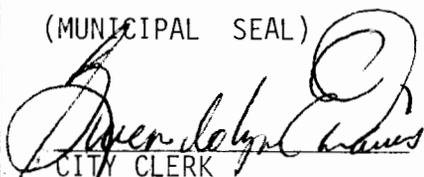
PASSED and APPROVED on first reading this 1st day of July, 1987.

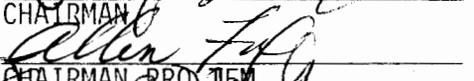
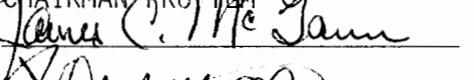
PASSED and ADOPTED on second and final reading this 15th day of July, 1987.

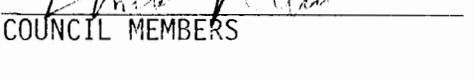
APPROVED:


MAYOR

(MUNICIPAL SEAL)


CITY CLERK


CHAIRMAN

CHAIRMAN PRO TEM



COUNCIL MEMBERS

1st Reading

2nd & Final Reading

Motioned By: D. Pettway
Seconded By: P. Owens

D. Pettway
A. Fox

D. Orange aye
A. Fox aye
P. Owens aye
D. Pettway aye
J. McGann nay

aye
~~aye~~
~~aye~~
~~aye~~
~~nay~~

AC/mg
6-24-87

AN ORDINANCE OF CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3 OF SECTION 2-100, SUB SECTION (a) AND (b) OF THE CITY CODE OF ORDINANCES OF RIVIERA BEACH, FLORIDA, RELATING TO ADMINISTRATIVE SCHEDULE OF SALARY RANGES AND SCHEDULE OF JOB DESCRIPTIONS FOR CLASSIFICATION PAY PLAN BE AMENDED BY DELETING THE SALARY RANGE AND DESCRIPTION OF THE SUPERINTENDENT OF STREETS AND CANALS, REFUSE SUPERINTENDENT AND SUPERINTENDENT OF VEHICLE MAINTENANCE, PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. That Chapter 2, Article VI, Division 3 of Section 2-100, Sub Section (a) of the Code of Ordinances of Riviera Beach, Florida, relating to administrative schedule of salary ranges and schedule of job descriptions is hereby amended by deleting the following unclassified positions:

<u>CLASS TITLE</u>	<u>CLASSIFICATION</u>	<u>PAY GRADE/RANGE</u>
PUBLIC WORKS SERVICES	Superintendent of Streets/Canals & Property Maintenance	"E" 25,061 MIN. 32,580 MAX.
	Superintendent of Refuse	"E" 25,061 MIN. 32,580 MAX.
	Superintendent of Vehicle Maintenance	"E" 25,061 MIN. 32,580 MAX.

SECTION 2. That Chapter 2, Article VI, Division 3 of Section 2-100, Sub Section (b) of the Code of Ordinances of Riviera Beach, Florida, relating to schedule of job descriptions are hereby amended by deleting the same Administrative positions.

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 part 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 be thereby affected.

SECTION 6. This Ordinance shall take effect upon its final passage and adoption by the City Council

PASSED and APPROVED on first reading this 1st day of July, 1987.

PASSED and ADOPTED on second and final reading this 15th day of
July _____, 1987.

APPROVED:

Clayton K. Williams
MAYOR

Don Pettway
CHAIRMAN

Allen Fox
CHAIRMAN PRO TEM

James C. McGann

Bill

Don Pettway
COUNCILMEMBERS

(MUNICIPAL SEAL)

Richard Owens
CITY CLERK

1st Reading

2nd & Final Reading

Motioned By: P. Owens

A. Fox

Seconded By: A. Fox

D. Pettway

D. Orange aye
A. Fox aye
P. Owens aye
D. Pettway aye
J. McGann nay

aye
aye
aye
aye
nay

AC/mg
6-24-87

A ORDINANCE OF CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3 OF SECTION 2-100 SUB SECTION (a) RELATING TO SCHEDULE OF SALARY RANGE AND SUB SECTION (b) RELATING TO SCHEDULE OF JOB DESCRIPTIONS BE AMENDED BY CREATING CLASS TITLE - STREETS/CANALS FOREMAN III, VEHICLE MAINTENANCE FOREMAN III AND REFUSE FOREMAN II, PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. That Chapter 2, Article VI, Division 3 of Section 2-100, Sub Section (a) of the Code of Ordinances relating to schedule of salary range be amended by creating the following classifications:

<u>CLASS TITLE</u>	<u>CLASSIFICATION</u>	<u>SALARY/PAY RANGE</u>
PUBLIC WORKS SERVICES	FOREMAN III STREETS/CANALS	G-31
	FOREMAN III VEHICLE MAINTENANCE	G-29
	FOREMAN II (2) REFUSE	G-29
	SR. EQUIPMENT OPERATOR III REFUSE	G-28

SECTION 2. That Sub Section (b) of 2-100 of Division 3, Article VI, Chapter 2 of the Code of Ordinances is hereby amended by adding hereto the job description for such classification.

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 part 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 be thereby affected.

SECTION 6. This Ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED AND APPROVED on first reading this 15th day of July, 1987.

PASSED AND ADOPTED on second reading this 15th day of July, 1987.

APPROVED:

Clara K. Williams
MAYOR

D. Orange
CHAIRMAN

ATTEST:

Deborah Collins
CITY CLERK

Allen Fox
CHAIRMAN PRO TEM.

James C. McGann
D. Pettway
COUNCIL MEMBERS

1st Reading

2nd and Final Reading

MOTIONED BY: J. McGann

J. McGann

SECONDED BY: A. Fox

A. Fox

- D. Orange aye
- A. Fox aye
- P. Owens aye
- D. Pettway aye
- J. McGann aye

*NOTE: This Ordinance amends Ordinance No. 2335.

ORDINANCE NO. 2339

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING ORDINANCE NO. 2335 TO CORRECT CERTAIN SCRIVENER'S ERRORS THEREIN; ESTABLISHING A FILING FEE OF ONE THOUSAND DOLLARS (\$1,000.00) FOR THE APPLICATION FOR OR RENEWAL OF A CABLE SYSTEM FRANCHISE; REQUIRING A SURETY CONSTRUCTION OR COMPLETION BOND OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FOR ALL FRANCHISE HOLDERS; REQUIRING A PERFORMANCE BOND OF ONE MILLION DOLLARS (\$1,000,000.00) FOR ALL FRANCHISE HOLDERS; REQUIRING LIABILITY INSURANCE FOR EACH FRANCHISE HOLDER IN THE AMOUNTS OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) PER PERSON AND THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) PER OCCURRENCE FOR BODILY INJURY, AND ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) PER OCCURRENCE FOR PROPERTY DAMAGE; PROVIDING THAT EACH AND EVERY OTHER PROVISION CONTAINED IN ORDINANCE NO. 2335 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on the 1st day of July, 1987, the City Council of the City of Riviera Beach, Florida, duly adopted a comprehensive CATV Ordinance; and

WHEREAS, inadvertently certain "blanks" in said Ordinance were not filled in or completed at the time of its adoption; and

WHEREAS, in particular, Ordinance No. 2335 was incomplete in that the amount of the application fee for franchise applicants was inadvertently omitted in Section 11C-1.2(II) of the Ordinance (see page 4 of Ordinance No. 2335); and

WHEREAS, in particular, Ordinance No. 2335 was incomplete in that the amount of the construction and performance bonds for franchise holders was inadvertently omitted in Section 11C-1.4(II) (A) and (B) of the Ordinance (see page 6 of Ordinance No. 2335); and

WHEREAS, in particular, Ordinance No. 2335 was incomplete in that the amount of liability insurance to be required of franchise holders was inadvertently omitted in Section 11C-1.4(II) (D) of the Ordinance (see page 7 of Ordinance No. 2335); and

WHEREAS, in particular, Ordinance No. 2335 was incomplete in that the amount of the application fee for renewal of an existing franchise was inadvertently omitted in Section 11C-1.15(B) of the Ordinance (see page 14 of Ordinance No. 2335); and

WHEREAS, the City Council of the City of Riviera Beach, Florida, desires to adopt this Ordinance to provide the appropriate

fees and amounts for each of the above-described sections.

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

SECTION 1: Ordinance No. 2335 adopted by the City Council of the City of Riviera Beach, Florida is hereby amended by completing Section 11C-1.2(II) so that it shall read as follows:

II. Application for Franchise.

Each application shall be accompanied by a filing fee in the amount of one thousand dollars (\$1,000.00). This fee shall be used to pay the cost of processing the application, including consultant's fees, and the time and materials of the City required for the processing. Any part of the filing fee which is not required to meet the cost of processing shall be returned pro rata to applicant.

SECTION 2: Ordinance No. 2335 adopted by the City Council of the City of Riviera Beach, Florida is hereby amended by completing Section 11C-1.4(II) (A) and (B) so that they shall read as follows:

II. Insurance and Bond Provisions.

A. Each grantee shall, concurrent with the granting of a franchise to construct and operate a cable system, post with the City Manager, at the grantee's sole expense, a corporate surety bond issued by a company and in a form approved by the City Manager, in the penal sum of at least one hundred thousand dollars (\$100,000.00), for the completion of construction of the cable system, and to guarantee completion of the system within the time required by the franchise. Said construction bond will stand released one (1) year after written notification by the grantee to the City Manager of completion of construction under the franchise, unless the City Manager or the City Council shall within said one (1) year term determine, and in writing notify, the grantee that construction has not been completed as required by grantee's franchise.

B. Each grantee shall post with the City Manager, and at all times thereafter, maintain in full force and effect for the term of the franchise, or any renewals thereof, at the grantee's sole expense, a corporate surety bond issued by a company and in a form approved by the City Manager, allowing in the amount of one million dollars (\$1,000,000.00), renewable annually and conditioned upon the faithful performance of grantee, and upon further condition that in the event grantee shall fail to comply with any one (1) or more provisions of this Ordinance or its franchise,

there shall be recoverable jointly and severally from the principal and surety of such bonds, any damages or loss suffered by the City as a result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of grantee as proscribed by applicable law, which may be in default, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond; said condition to be a continuing obligation for the duration of such franchise and any renewal thereof; and thereafter until the grantee has liquidated all of its obligations with the City that may have arisen from the acceptance of said franchise or renewal by grantee, or from its exercise of any privileges therein granted. The bond shall provide thirty (30) days prior written notice of intention not to renew, cancellation, or material change be given to the City.

SECTION 3: Ordinance No. 2335 adopted by the City Council of the City of Riviera Beach, Florida, is hereby amended by completing Section 11C-1.4(II)(D) so that it will read as follows:

D. Grantee shall, concurrently with the granting of a cable system franchise to grantee, furnish to the City and file with the City Manager, and at all times during the existence of any franchise granted by the City, maintain in full force and effect, at its own cost and expense, a general comprehensive liability insurance policy, in protection of the City, its officers, boards, council members, agents and employees, by a company admitted to do business in the State of Florida by the State Insurance Commissioner of the State of Florida, and approved by the City Manager, and in a form satisfactory to the City Manager, protecting the City and all persons against liability for loss or damage for bodily injury liability and property damage liability or death and personal injury liability including, but not limited to, liable, slander, defamation of character, invasion of privacy, wrongful eviction or wrongful entry, false arrest, detention or imprisonment, or malicious prosecution, occasioned by the operations of grantee under its franchise with minimum liability limits of one hundred thousand dollars (\$100,000.00) for personal injury or death of any one (1) person, and three hundred thousand dollars (\$300,000.00) for personal injury or death of two (2) or more persons in any one (1) occurrence, and one hundred thousand dollars (\$100,000.00) for damage to property resulting from any one (1) occurrence. All said insurance policies shall name the City, its officers, boards, council members, agents and employees, as additional insureds, and shall contain a provision that a written notice of cancellation or reduction in coverage of said policy shall be delivered to the City thirty (30) days in advance of the effective date thereof.

SECTION 4: Ordinance No. 2335 adopted by the City Council of the City of Riviera Beach, Florida, is hereby amended by completing Section 11C-1.15(B) so that it will read as follows:

B. All applications for a renewal of a franchise shall be in the form required by the City, and shall be accompanied by a one thousand dollar (\$1,000.00) non-refundable application fee, which shall be used by the City to process the application and set up the terms of any new franchise agreements.

SECTION 5: Each and every other provision of Ordinance No. 2335 shall remain in full force and effect as previously enacted.

SECTION 6: Specific authority is hereby given to codify this Ordinance.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: Should any section or provision of this Ordinance or any portion thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Ordinance.

SECTION 9: This Ordinance shall become effective immediately upon passage.

FIRST READING this 19th day of August, 1987.

SECOND READING and FINAL PASSAGE this 1st day of September, 1987.

CITY OF RIVIERA BEACH, FLORIDA

Clara K. Williams
MAYOR

Donald P. Thomas
COUNCIL MEMBER

Allen F. [Signature]
COUNCIL MEMBER

[Signature]
COUNCIL MEMBER

[Signature]
COUNCIL MEMBER

COUNCIL MEMBER

ATTEST:

[Signature]
CITY CLERK