

ORDINANCE NO. 2340

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE I ENTITLED "IN GENERAL" OF CHAPTER 2 ENTITLED "ADMINISTRATION" OF THE CODE OR ORDINANCES BY PROVIDING FOR THE CREATION OF A UTILITIES ADVISORY BOARD; COMPOSITION, APPOINTMENT AND TERM; INFORMAL HEARINGS; GENERAL PURPOSES AND POWERS; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City of Riviera Beach City Council has identified a need for an advisory board to make recommendations to the city council concerning the services provided by the Utilities Department for the City of Riviera Beach and to suggest remedies to consumer related concerns, and

WHEREAS, the City of Riviera Beach Utilities Department has received comments from utility customers which dispute the utility meter readers, and

WHEREAS, the City of Riviera Beach Utilities Department has compiled a list of uncollected utility accounts and desires an informal process for such accounts prior to instituting legal action to collect on such accounts, and

WHEREAS, the City of Riviera Beach citizens' input for retaining a high water quality for citizenry is desired by the city council.

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

SECTION 1. Article I entitled "In General" of Chapter 2 entitled "Administration" of the Code of Ordinances be amended as follows:

Section. Created.

The City Council of the City of Riviera Beach hereby creates a Utilities Advisory Board. The board consist of no more than five (5) members with terms of one (1) year commencing in May of each year. The membership shall include one (1) City of Riviera Beach council person, one (1) professional person who is technically oriented such as an engineer, doctor or lawyer and three (3) persons who are citizens of the City of Riviera Beach. A member may be reappointed for successive terms. Members of the Utilities Advisory Board shall be residents of the City of

Riviera Beach. An appointment to fill any vacancy on the Utilities Advisory Board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the chairperson, the Utilities Advisory Board shall declare the member's office vacant; and the city council shall properly fill such vacancy. The members may be suspended and removed for cause by the city council.

(b) The members of the Utilities Advisory Board shall elect a chairman from among the members of the board. The presence of three or more members shall constitute a quorum of the Utilities Advisory Board. Members shall serve without compensation, but maybe reimbursed for such travel, mileage and per diem expenses as may be authorized by City Council.

(c) The Utilities Advisory Board shall meet on the second Monday of each month at 7:00 p.m.

Section. Informal hearings.

(a) It shall be the duty of the Director of Utilities to inform the Utilities Advisory Board of accounts which have proved uncollectable after the Utilities Department has extended efforts to inform the accountholder of the arrearage. The Utilities Advisory Board, through the clerical staff provided by the City of Riviera Beach, shall schedule an informal hearing and written notice of such hearing shall be hand-delivered or mailed to the utility accountholder whose account has been uncollectable.

(b) Upon request of the Director of Utilities, or at such other times which maybe necessary, the chairperson of the Utilities Advisory Board may call a hearing of the Utilities Advisory Board. A hearing also may be called by written notice signed by at least three members of the Utilities Advisory Board. Minutes shall be kept of all informal hearings by the Utilities Advisory Board, and all informal hearings and proceedings shall be opened to the public. The city council shall provide clerical and administrative personnel as maybe reasonably required by the Utilities Advisory Board for the proper performance of its duties.

(c) Each case before the Utilities Advisory Board shall be presented by a member of the administrative staff of the Utilities Department for the City of Riviera Beach.

(d) The Utilities Advisory Board shall proceed to hear the cases for that day. All

testimony shall be under oath and shall be recorded. The Utilities Advisory Board shall take testimony from the personnel of the Utilities Department and the accountholder. Formal rules of evidence shall not apply.

(e) At the conclusion of the hearing, the Utilities Advisory Board shall issue findings of fact based on evidence of record and an advisory conclusion recommending to the City Council actions it should take. The findings shall be by motion approved by a majority of those members present and voting, except that at least three members of the Utilities Advisory Board must vote in order for their action to be official.

Section. General purposes and power of the Utilities Advisory Board.

(a) The general purpose of the Utilities Advisory Board shall be to advise, promote, protect and improve water quality, customer service, account collections and other services provided by the City of Riviera Beach Utilities Department. Furthermore the Utilities Advisory Board should advise city council regarding the resolution of issued related to and arising out of the operation of utilities by the City of Riviera Beach.

The Utilities Advisory Boards shall have the power to: 1) adopt rules for the conduct of its hearings; 2) take testimony under oath; 3) issue advisory opinions concerning utility accounts; 4) issue advisory opinions concerning actions that the Water Department should consider for maintaining high water quality; 5) makes recommendations to the city council concerning the resolution of the disputes regarding meter readings;

Section. Limitations.

Advisory nature of board. The services and proceedings of the board in handling disputed utility charges as contained in this article are advisory only, subject to the approval of the city council in each instance.

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 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 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 19th day of August, 1987.

PASSED and ADOPTED on second and final reading this 2nd day of September, 1987.

APPROVED:

<p><u>Clayton K. Williams</u> MAYOR</p> <p>(MUNICIPAL SEAL)</p> <p><u>Deborah Owens</u> CITY CLERK</p>	<p><u>John P. Orange</u> CHAIRMAN</p> <p><u>Allen J. Fox</u> CHAIRMAN PRO TEM</p> <p><u>James C. McGann</u> COUNCILMEMBER</p> <p><u>D. Pettway</u> COUNCILMEMBER</p>
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1st Reading

2nd & Final Reading

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

D. Pettway
P. Owens

D. Orange	<u>aye</u>
A. Fox	<u>aye</u>
P. Owens	<u>aye</u>
D. Pettway	<u>absent</u>
J. McGann	<u>aye</u>

<u>absent</u>
<u>aye</u>
<u>aye</u>
<u>aye</u>
<u>aye</u>

JLJ/dpm
8-4-87

UTILITIES ADVISORY BOARD:

Chairman Emma Bates
1218 W. 26th Street
Riviera Beach, Florida 33404
Phone: 844-1401

Appointed 9/2/87
Term Expires 5/1/88

Vice Chairman Claudia Lee Knowles
120 W. 32nd Court
Riviera Beach, Florida 33404
Phone: 848-2465

Appointed 9/2/87
Term Expires 5/1/88

Prince E. Owens, III
1150 W. 4th Street
Riviera Beach, Florida 33404
Phone: 842-7053

Appointed 9/2/87
Term Expires 5/1/88

Jessie Moye
507 W. 1st Street
Riviera Beach, Florida 33404
Phone: 844-0938

Appointed 9/2/87
Term Expires 5/1/88

Beatrice Gregory
391 W. 33rd Street
Riviera Beach, Florida 33404
Phone: 842-1239

Appointed 9/2/87
Term Expires 5/1/88

ORDINANCE NO. 2341

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, REPEALING CHAPTER 6 "BUILDINGS" ARTICLE VIII, FLOOD HAZARD REGULATIONS ADMINISTRATION OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH, TO CREATE A NEW ARTICLE VIII; PROVIDING FOR STATUTORY AUTHORIZATION, FINDINGS OF FACT, SHORT TITLE, PURPOSE AND OBJECTIVES; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL PROVISIONS PROVIDING FOR ADMINISTRATION, PROVIDING FOR VARIANCE PROCEDURES; PROVIDING FOR FLOOD HAZARD REDUCTION; PROVIDING A CONFLICT CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, The National Flood Insurance Program Act and Supplemental Appropriations Act of 1987, Public Law 100-71, provide that a municipality must enact an ordinance establishing a flood protection program; and

WHEREAS, the City Council of the City of Riviera Beach seeks to comply with the requirements imposed by federal law; and

WHEREAS, the City Council deems it desirable to amend the Code of ordinances of the City of Riviera Beach to set forth standards and an administrative procedure for the placement for dwellings in flood hazardous areas.

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

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, SHORT TITLE, PURPOSE AND OBJECTIVES.

The Legislature of the State of Florida has in Florida Statute Chapter 166 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Riviera Beach, Florida, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The Flood hazard areas of the City of Riviera Beach are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

- (2) These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

SECTION C. SHORT TITLE AND STATEMENT OF PURPOSE.

This Ordinance shall be known as the City of Riviera Beach Flood Damage Prevention Ordinance. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damage, and;
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are:

- (1) to protect human life and health;

- (2) to minimize expenditures or public money for costly food control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
- 6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) to insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the City of Riviera Beach's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel

does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation" means the equivalent of the required number of feet above mean sea level as set forth on the Flood Insurance Rate Map. Currently, the base flood elevation is 7 feet above mean sea level.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Coastal High Hazard Area" means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated of a FIRM as Zone VI - 30, VE or V.

"Development" means any man-made change to improve or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, as revised from time to time and issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor or a garage used solely for parking vehicles.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Mangrove stand" means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (Avicennia nitida); red

mangrove (Rhizophora mangle); white mangrove (Languncularia racemosa); and buttonwood (Conocarpus erecta).

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also include part trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-3481), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and

filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations of the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial improvement" means any repair, reconstruction, alteration, or improvement to a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

ARTICLE 3. GENERAL PROVISIONS

SECTION A. LAND TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Riviera Beach, Florida.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated September 20, 1982, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such area will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Riviera Beach or by any officer or employee thereof for any

flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provision of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than 60 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Riviera Beach from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF THE BUILDING OFFICIAL

The Building Official for the City of Riviera Beach is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. PERMIT PROCEDURES.

Application for a Development Permit shall be made to the Building Official for the City of Riviera Beach on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and location of the foregoing. Specifically, the following information is required:

- (1) Application Stage.
 - (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;

- (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Article 5, Section B (2);
- (e) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and;

(2) Construction Stage.

Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Official for the City of Riviera Beach a certificate of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the

direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Official for the City of Riviera Beach shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL FOR THE CITY OF RIVIERA BEACH.

Duties of the Building Official for the City of Riviera Beach shall include, but not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the Florida Department of Community Affairs prior to any alteration of relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including

- basement) of all new or substantially improved structures, in accordance with Article 4, Section B (2).
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section B (2).
 - (7) In Coastal Hazard Areas, certification shall be obtained from a registered professional engineer or architect that the structure is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.
 - (8) In Coastal High Hazard Areas, the Building Official for the City of Riviera Beach shall review plans for adequacy of breakaway walls in accordance with Article 5, Section B(5)(h).
 - (9) When flood-proofing is utilized for a particular structure, the Building Official for the City of Riviera Beach shall obtain certification from a registered professional engineer or architect, in accordance with Article 5, Section B(2).
 - (10) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official for the City of Riviera Beach shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
 - (11) When base flood elevation data or floodway data have not been provided in accordance with Article 3,

Section B, then the Building Official for the City of Riviera Beach shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5.

- (12) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Official for the City of Riviera Beach and shall be open for public inspection.

SECTION D. VARIANCE PROCEDURES.

- (1) The Building Board of Adjustment and Appeals as established by the City of Riviera Beach shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Building Board of Adjustment and Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Official for the City of Riviera Beach in the enforcement or administration of this ordinance.
- (3) Any person aggrieved by the decision of the Building Board of Adjustment and Appeals or any taxpayer may appeal such decision to the 15th Judicial Circuit Court in and for Palm Beach County, Florida as provided in Florida Statute Section 162.
- (4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for Article 4, Section D. (8)(a) and (d), and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

- (5) In passing upon such applications, the Building Board of Adjustment and Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and

facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

- (6) Upon consideration of the factors listed above, and the purpose of this ordinance, the Building Board of Adjustment and Appeals may attach such conditions to the granting of variances as it deem necessary to further the purposes of this ordinance.
- (7) Variances shall not be issued within any designated flood way if any increase in flood levels during the base flood discharge would result.
- (8) Conditions for Variances:
 - (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
 - (b) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be

built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- (d) The Building Official for the City of Riviera Beach shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during the conditions of flooding.

- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

SECTION B. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Article 3, Section B, or Article 4, Section C (1), the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than 1 foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, Section B (3).
- (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than 1 foot above the level of the base flood elevation. Structures located in all A-zones may be

flood-proofed in lieu of being elevated provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section B (3).

(3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one foot above grade; and,

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction.

- (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and Electrical, plumbing, and other utility connections area prohibited below the base flood elevation;
 - (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (4) Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:
- (a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
 - (b) If Article 5, Section B(4) (a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
 - (c) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or

subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section A(2), and the elevation standards of Article 5, Section B(1) are met.

- (5) Coastal High Hazard Areas (V Zones). Located within the area of special flood hazard established in Article 3, Section B, are areas designated as Coastal High Hazard areas. These areas have special flood hazards associated with wave wash, therefore, the following provisions shall apply:
- (a) All buildings or structure shall be located landward of the Coastal Construction Control Line as established by the Florida Department of Natural Resources;
 - (b) All buildings or structures shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than 1 feet above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with Article 5, Section B(5)(h);
 - (c) All buildings or structures shall be securely anchored on pilings or columns;
 - (d) All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting

simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100 year mean recurrence interval (one percent annual chance flood).

(e) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Article 5, Section B(5)(b), (c) and (d) of this ordinance.

(f) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The Building Official for the City of Riviera Beach shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:

(i) Particle composition of fill material does not have a tendency for excessive natural compaction;

(ii) Volume and distribution of fill will not cause wave deflection to adjacent properties;
and

(iii) Slope of fill will not cause wave run-up or ramping.

- (g) There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage;
- (h) Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:
 - (i) No solid walls shall be allowed, and;
 - (ii) Material shall consist of lattice or mesh screening only.
- (i) If aesthetic lattice work or screening is utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage or maintenance equipment used in connection with the premises.
- (j) Prior to construction, plans for any structures that will have lattice work or decorative screening must be submitted to the Building Official for the City of Riviera Beach for approval;
- (k) Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided for in Article 5, Section B(5)(h) and (i).

- (1) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section A(2), and the elevation standards of Article 5, Section B(1) are met.

SECTION C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Article 3, Section B, where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

- (1) No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to two times the width of the stream at the top of bank or twenty feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in accordance with Article 4, Section C (11).

SECTION D. STANDARDS FOR SUBDIVISION PROPOSALS.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas,

electrical and water systems located and constructed to minimize flood damage;

- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

SECTION E. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvement of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of non-residential structures shall:
 - (a) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement

shall be elevated at least two (2) feet above the highest adjacent grade, or;

- (b) together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

ARTICLE 6. CONFLICTING ORDINANCES, SEVERABILITY OF ORDINANCE, AUTHORITY TO CODIFY, EFFECTIVE DATE.

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

SECTION B. 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 C. Specific authority is hereby given to codify this Ordinance.

SECTION D. This Ordinance shall become effective immediately upon passage.

PASSED and ADOPTED on first reading this 19th day of August, 1987.

PASSED and ADOPTED on second and final reading this 2nd day of September, 1987.

SIGNATURES ON PAGE 26.

APPROVED:

Clara K. Williams
MAYOR

(MUNICIPAL SEAL)
Pwendyl E. Owens
CITY CLERK

Dexter D. Ray
CHAIRMAN

Allen Fox
CHAIRMAN PRO TEM

James C. McGann
Donald Pettway
COUNCILMEN

1st Reading

MOTIONED BY: A. Fox
SECONDED BY: P. Owens

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

2nd Reading

D. Pettway
P. Owens

absent
aye
aye
aye
aye

JLJ:dpm
8-12-87

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 PLANNER I UNDER CLASS TITLE PLANNING PROVIDING 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 as follows:

SECTION 1. 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>
PLANNING	PLANNER I	G33

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.

PASSED AND APPROVED on first reading this 2nd day of September, 1987.

PASSED AND ADOPTED on Second reading and final reading this 16th day of September, 1987.

Ordinance No. 2342

APPROVED:

Alma K. Williams
MAYOR

Debra Orange
CHAIRMAN

Allen Fox
CHAIRMAN PRO TEM

James C. McGann
Donald Pettway

(MUNICIPAL SEAL)

Deborah E. Davis
CITY CLERK

COUNCIL MEMBERS

1st Reading

2nd & Final Reading

Motioned By: McGann

D. Pettway

Seconded By: Pettway

J. McGann

D. Orange: absent

aye

A. Fox: aye

aye

J. McGann: aye

aye

P. Owens: aye

absent

D. Pettway: 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 REGRADING THE UNCLASSIFIED POSITIONS OF DIRECTOR OF UTILITIES AND FIRE CHIEF UNDER CLASS TITLES UTILITIES SERVICES AND PUBLIC SAFETY AND SERVICE - FIRE, RESPECTIVELY, 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 the Code of Ordinances of Riviera Beach, relating to rates of pay and salary schedule be amended by regrading the unclassified positions as follows:

<u>CLASS TITLE</u>	<u>CLASSIFICATION</u>	<u>PAY GRADE/RANGE</u>
UTILITIES SERVICES	DIRECTOR OF UTILITIES	ADMIN. I
PUBLIC SAFETY & SERVICE - Fire	FIRE CHIEF	ADMIN. I

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 of 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 7th day of October, 1987.

PASSED AND ADOPTED on second and final reading this 21st day of October, 1987

ORDINANCE NO. 2344

APPROVED:

Clara K. Williams
MAYOR

[Signature]
CHAIRMAN

Allen Fox
VICE CHAIRMAN

ATTEST:

[Signature]
CITY CLERK

[Signature]

[Signature]

[Signature]
Council Members

1st Reading

2nd Reading

Motioned by: A. Fox

D. Pettway

Seconded by: P. Owens

P. Owens

D. Orange: aye

aye

J. McGann: absent

aye

P. Owens: aye

aye

A. Fox: aye

aye

D. Pettway: aye

aye

ORDINANCE NO. 2345

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 CODE INSPECTOR II UNDER CLASS TITLE CODE ENFORCEMENT; 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>
CODE ENFORCEMENT	CODE INSPECTOR II	G31

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 Chapter 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 ADOPTED on first reading this 7th day of October, 1987.

PASSED AND ADOPTED on second and final reading this 21st day of October, 1987.

SIGNATURES ON PAGE TWO

ORDINANCE NO. 2345

APPROVED:

Clara K. Williams
Mayor

[Signature]
Chairperson

Allen Fox
Chairperson Pro-Tem

James C. McGann

Donald Pettway

[Signature]
Council Members

ATTEST:

[Signature]
City Clerk

1st Reading

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

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

2nd Reading

A. Fox
P. Owens

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 CREATING THE UNCLASSIFIED POSITIONS OF ASSISTANT TO THE CITY MANAGER AND DEPUTY CITY MANAGER UNDER CLASS TITLE ADMINISTRATIVE, GENERAL; 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 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>
ADMINISTRATIVE, GENERAL	ASSISTANT TO THE CITY MANAGER	ADMIN. G
	DEPUTY CITY MANAGER	ADMIN. I

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 7th day of October, 1987.

PASSED AND ADOPTED on second and final reading this 21st day of October, 1987.

SIGNATURES ON NEXT PAGE.....

Ordinance No. 2346

APPROVED:

Clas K. Williams MAYOR John Gray CHAIRPERSON

Allen Fox VICE CHAIRPERSON

ATTEST:

Daphne L. Adams CITY CLERK James C. McGann

Donald Pettway
J. McGann
Council Members

1st Reading

2nd Reading

Motioned by: A. Fox

J. McGann

Seconded by: P. Owens

D. Pettway

D. Orange: aye

aye

J. McGann: absent

aye

P. Owens: aye

aye

A. Fox: aye

aye

D. Pettway: 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 DELETING THE UNCLASSIFIED POSITION OF ASSISTANT CITY MANAGER UNDER CLASS TITLE ADMINISTRATIVE, GENERAL; 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:

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 unclassified position:

<u>CLASS TITLE</u>	<u>CLASSIFICATION</u>	<u>PAY GRADE/RANGE</u>
ADMINISTRATIVE GENERAL	ASSISTANT CITY MANAGER	ADMIN. H

SECTION 2. Any person, firm or corporation convicted of a violation of any of the provision 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 of 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 7th day of October, 1987.

PASSED AND ADOPTED on second and final reading this 21st day of October, 1987.

SIGNATURES ON NEXT PAGE.....

APPROVED:

Clark K. Williams
MAYOR

D. Pettway
CHAIRMAN

Allen Fox
VICE CHAIRMAN

ATTEST:

Doreen Davis
City Clerk

James C. McCann

Donald Pettway

SCC
Council Members

1st Reading

2nd Reading

Motioned by: D. Pettway

D. Pettway

Seconded by: A. Fox

P. Owens

D. Orange: aye

aye

J. McCann: absent

aye

P. Owens: aye

aye

A. Fox: aye

aye

D. Pettway: aye

aye

AN ORDINANCE OF THE 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 ADDING AND DELETING UNCLASSIFIED POSITIONS; PROVIDING A REPEALING CLAUSE, A 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, 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 adding and deleting the following unclassified positions:

Chief of fire department	Supervisor of utilities billing and collection
Director of public works	Assistant to city manager
City engineer	<u>the city manager</u>
Director of community development and environmental control	<u>Assistant chief of police</u>
Director of utilities	<u>Library director</u>
Building official	Safety engineer
Administrative assistant to director of public works	Administrative assistant to building official
Director of personnel/labor relations	Assistant finance director
<u>Fire chief</u>	Purchasing director
<u>Deputy city manager</u>	Superintendent of vehicle maintenance
<u>Director of recreation & parks</u>	<u>Economic development officer</u>
<u>Administrative assistant to director of utilities</u>	<u>Code administrator</u>
	<u>Director of volunteer & community services</u>

SECTION 2. That any ordinance or parts of ordinances in conflict herewith are repealed.

SECTION 3. Each day's violation of any of the provisions of this ordinance shall constitute a separate offense and shall be punishable as provided in Section 1-8 of the Code of Ordinances.

SECTION 4. If any section, part of a section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this ordinance and it shall be construed to have been the legislative intent to pass this ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if

this ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 5. Specific authority is hereby granted to codify this ordinance. It is the intention of the City Council, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Riviera Beach; that the sections of this ordinance may be renumbered or relettered to accomplish such intentions; and that the word "ordinance" may be changed to "section", "article", or other appropriate words.

SECTION 6. This ordinance shall take effect upon its passage as provided by law.

PASSED AND APPROVED on first reading this 7th day of October, 1987.

PASSED AND ADOPTED on second and final reading this 21st day of October, 1987.

	1st Reading	2nd & Final Reading
Motioned By:	<u>D. Pettway</u>	<u>D. Pettway</u>
Seconded By:	<u>A. Fox</u>	<u>A. Fox</u>
D. Organge	<u>aye</u>	<u>aye</u>
A. Fox	<u>aye</u>	<u>aye</u>
P. Owens	<u>aye</u>	<u>aye</u>
D. Pettway	<u>aye</u>	<u>aye</u>
J. McGann	<u>absent</u>	<u>aye</u>

APPROVED:

Clara K. Williams
Mayor

Dexter Pittman
Chairperson

Allen Fox
Chairperson Pro-Tem

Donald Pettway
Joe

ATTEST:

Renee E. Davis
City Clerk

Council Members

1st Reading

2nd Reading

Motioned by: D. Pettway
Seconded by: A. Fox

D. Pettway
A. Fox

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

aye
aye
aye
aye
aye