

ORDINANCE NO. 2400

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING DIVISION 1A OF CHAPTER 10 OF THE CITY CODE BY AMENDING SECTION 10-18 THEREOF AND TO MAKE PROPERTY OWNERS AND ALL OTHER ADULT PERSONS IN POSSESSION OF REAL PROPERTY JOINTLY AND SEVERALLY LIABLE FOR TRASH COLLECTIONS; ALSO AMENDING PARAGRAPHS (a) and (b) OF SECTION 10-19 TO PROHIBIT THE PLACEMENT FOR COLLECTION OF YARD AND GARDEN WASTE MORE THAN 72 HOURS BEFORE THE DATE OF SCHEDULED COLLECTION; AMENDING PARAGRAPH (b) OF SECTION 10.20.3 TO ESTABLISH FIFTEEN (15) DAYS TO APPEAL TO THE CITY COUNCIL; AMENDING PARAGRAPH 10-20.6(a)(1) AND TO APPLY THE RESIDENTIAL UNIT RATE WHEN UNIT RECEIVES ANY OTHER UTILITY SERVICE; AMENDING PARAGRAPH (a) OF SECTION 10-20.10 RELATING TO LITTERING; AMENDING PARAGRAPH (b) OF SECTION 10-28 OF THE CODE TO SPECIFY THAT IF A WARNING OF VIOLATION IS NOT CORRECTED WITHIN TWENTY-FOUR (24) HOURS OF SUCH NOTICE, THE FAILURE TO CORRECT A VIOLATION SHALL AUTOMATICALLY AUTHORIZE A "SPECIAL PICK-UP" BY THE CITY; ALSO AMENDING SECTION 10-34 RELATING TO PENALTIES; PROVIDING AN EFFECTIVE DATE.

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

SECTION ONE

That Section 10-18 of the city code is HEREBY AMENDED to read as follows:

"Sec. 10-18. Same Responsibility.

The owner(s) and occupants of the property being serviced shall be jointly and severally responsible for the payment of all charges incident to the collection of refuse from his or her such property and for the faithful compliance with the provisions of this division."

SECTION TWO

That paragraphs (a) and (b) of Section 10-19 of the city code is HEREBY AMENDED to read as follows:

"Sec. 10-19. Responsibility to provide container location, place container for emptying, non-containerized trash; restrictions.

(a) Each head of household, lessee, occupant, the proprietor of each factory, warehouse, apartment, apartment house, hotel, motel, or other building or premises mentioned in this division, or the manager, agent, servant, janitor, or other employee of such householder or proprietor, having the house, building or premises immediately in charge shall provide a location on such premises for such container, can, vessel or receptacle, which shall, no earlier than noon 6:00 p.m. of the days

preceding the days designated for the collection of such trash or garbage, place said container, can, vessel, or receptacle at curb side or swale area, so that the collectors may empty them. Said containers, cans, vessel, or receptacles shall be removed from curb side or swale area before midnight of the days designated for of collection.

~~(b) It shall be unlawful for any person to place trash of such a nature not suitable for storage in such container; can; vessel or receptacle for collection earlier than seventy-two (72) hours preceding the days designated for the collection of such trash.~~

(b). It shall be unlawful to place small yard and garden wastes for collection earlier than seventy-two (72) hours prior to the next scheduled collection day.

SECTION THREE.

That paragraph (b) of Section 10.20(3) of the Code is HEREBY AMENDED to read as follows:

"(b) Appeals. Any person aggrieved by a regulation or fee shall have fifteen (15) days to appeal to the city council, which shall have the authority to confirm, modify or revoke any such regulation or fee as applied in the specific case appealed."

SECTION FOUR

That paragraph (A)(1) of Section 10-20.6 (fees) is HEREBY AMENDED to read as follows:

(1) Residential unit includes single-family residences, duplexes, triplexes, apartments, mobile units, multi-units and condominiums, which shall be charged fifteen dollars (\$15.00) per month per living unit. This charge shall be applied as soon as the unit or the building that contains the unit obtains any other city utility service and shall continue thereafter irrespective of occupancy.

SECTION FIVE.

That a new paragraph (a) of Section 10-20.10 of the city code is HEREBY ADDED to read as follows:

"(a) It shall be unlawful for any person to kindle or maintain any bonfire or outdoor rubbish fire, or burn refuse, waste, trash or yard refuse out of doors except in compliance with the National Fire Prevention Code, or to allow or suffer any accumulation of refuse or waste material upon any premises within the city limits for a period longer than seventy-two (72) hours, or to litter, throw, deposit, scatter or leave any refuse or waste material on any street, lane, alley, gutter,

catch basin, storm sewer, storm drain, drainage ditch, any other public place or private property within the city limits except in proper containers for collection as authorized by this Code of Ordinances. No person shall throw or deposit any refuse or waste material in any canal, basin, river, stream, ocean, or other body of water or any part thereof within the city limits. It shall also be unlawful for any person to produce or accumulate any refuse or waste material, building waste, tree stumps, trunks, branches, sod, dirt or rocks away from a building site while such person is acting in the capacity of a contractor such as a tree surgeon, landscaper, mechanical contractor, building contractor, electrical contractor, without removing same to an authorized dump or landfill. Any dumping of refuse or waste from the operation of a business such as Law Maintenance Business shall be considered commercial dumping punishable by double the fine provision in Section 1-8 of the city code. It shall also be unlawful for any person to deposit refuse or waste material in a dumpster not authorized for refuse or waste disposal by such person."

SECTION SIX

That paragraph (b) of Section 10-28 of the Code of Ordinances, NOW READING AS FOLLOWS:

"(b) Notice of violation. Issuance of warning either verbally or in writing to property owners, their agents, tenants or lessees, wherever violations of Section 10-28 are found shall give the violators seventy-two (72) hours within which to correct the violation and shall state the penalty for noncompliance. Reinspection seventy-two (72) hours later of the premises where warnings of violation shall result in the owner, agent, lessee and/or tenant receiving a summons requiring the aforesaid person so responsible to appeal at a stated date and time in the court of proper jurisdiction."

is HEREBY AMENDED to read as follows:

"(b) Notice of Violation. Issuance of a written warning to any property owner, agent, tenant, or adult occupant, or by posting the premises if no one is present, whenever any violation of this Article III is found to give the violators twenty-four (24) hours within which to correct all violations. The notice may state the possible consequences of non-compliance within the twenty-four (24) hours. If at the end of the twenty-four (24) hours, inspection of said property reveals the violation to be continuing, then the owner, agent, lessee, tenant, or occupant shall be presumed to have requested a special pick-up of such waste by the city. The city shall place the special pick-up charge on the site's utility bill or shall mail a bill for such special pick-up to the owner of the property.

If the bill for the special pick-up is not paid when due, a lien for the special pick-up charge shall be recorded in the county courthouse against the property. The cost of recording the lien shall be added to the lien and both the lien and the recording cost shall accrue one percent simple interest each month until paid."

SECTION SEVEN

That Section 10-34 of the Code of Ordinances is HEREBY AMENDED to read as follows:

"Section 10-34. Penalty for Violation. Any person, or association of persons, co-partnership or corporation violating any of the provisions of this Chapter 10, upon conviction thereof shall be punished as provided in Section 1-8 of this code except for commercial dumping as specified in Section 10-20.10(a). No conviction shall preclude any other fees, liens, collections, or other consequences of any such violation."

SECTION EIGHT

This ordinance shall be effective upon final passage and adoption by the City Council.

PASSED and APPROVED on first reading this 16th day of December, 1988.

PASSED and ADOPTED on second and final reading this 4th day of January, 1988.89

APPROVED:

Clara K. Williams
MAYOR

(MUNICIPAL SEAL)

Penelope Adams
CITY CLERK

CHAIRMAN
Allen Fox
CHAIRMAN PRO TEM
Jim Hanks
Donald Pettway

COUNCILMEMBERS

1st Reading
Motioned By: D. Orange
Seconded By: A. Fox

2nd & Final Reading
D. Pettway
A. Fox

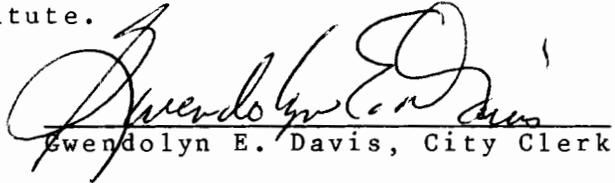
P. Owens Aye
A. Fox Aye
D. Orange Aye
D. Pettway Aye
J. Goode Aye

aye
aye
aye
aye
nay

TCP/jb/dm
8/31/88
10/14/88
11/03/88
11/17/88
11/22/88
12/08/88
12/21/88

CERTIFICATE OF PUBLICATION

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


Ewendolyn E. Davis, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY


CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 12-27-88

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE RIVIERA BEACH COMPREHENSIVE PLAN, FUTURE LAND USE MAP BY RECLASSIFYING THE LAND USE FOR SEVEN (7) PARCELS ANNEXED DESCRIBED IN ATTACHMENTS "A" AND "B" AND MADE PART THEREOF, DIRECTING THE CITY CLERK TO UPDATE THE CITY'S FUTURE LAND USE MAP; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the "Local Government Comprehensive Planning and Land Development Act of 1985" provides procedures to amend the adopted Comprehensive Plan; and

WHEREAS, on August 11, 1988, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed Petitioners' requests for proposed changes at a Public Hearing and forwarded recommendations to City Council; and

WHEREAS, on August 17, 1988, the City Council, as the Local Governing Body, reviewed the requests and recommendations at a Public Hearing and voted to grant Petitioners' requests; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Department of Community Affairs has reviewed the proposed amendments and found them to be consistent with the applicable statutory requirements; and

WHEREAS, effective December 7, 1988, said parcels were annexed into the City of Riviera Beach and thereby became eligible for City of Riviera Beach Land Use designation;

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

Section 1. The Riviera Beach Comprehensive Plan, Future Land Use Map is amended to incorporate two (2) parcels of

of land annexed from Palm Beach County and assigned the Riviera Beach Land Use designation of "Industrial".

Said parcels are legally described in attachment "B" (petitions 4 thru 8) and are made a part of this Ordinance.

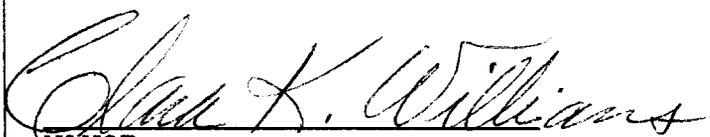
Section 3. That the City Clerk is authorized and directed to reflect upon the Land Use Map designated as the "Future Land Use Plan" by hatching or other appropriate means of designating all changes affected by this Ordinance.

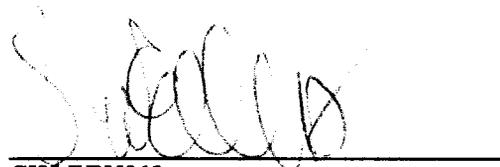
Section 4. Said designations shall be effective immediately, following final reading of Annexation Ordinance pertaining to said parcels and shall not be codified in the Book of Ordinances.

PASSED AND APPROVED on first reading this 16th day of November, 1988.

PASSED AND APPROVED on second and final reading and second Public Hearing this 7th day of December, 1988.

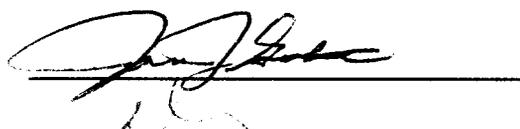
APPROVED:


MAYOR


CHAIRMAN

CHAIRMAN PRO TEM


CITY CLERK



COUNCIL MEMBERS

1st Reading

MOTIONED BY: D. Pettway
SECONDED BY: D. Orange

P. Owens: aye
D. Orange: aye
D. Pettway: aye
A. Fox: aye
J. Goode: aye

2nd and Final Reading

D. Orange
J. Goode

aye
aye
excused
excused
aye


Z.C.R.
12-7-88

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA INCREASING THE BUDGET FOR THE PAVING AND DRAINAGE CONSTRUCTION FUND TO PROVIDE FUNDING FOR THE OCEAN MALL PARKING LOT IMPROVEMENTS AND AMENDING ORDINANCE NUMBER 2390.

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

SECTION 1. That Ordinance #2390 adopting the 1988-89 Budget be amended to include the following increase:

REVENUE INCREASE

301399999 Fund Carryover \$260,000

EXPENSE INCREASE

301000054106501 . . . Construction - 89 Program . . \$230,000
301000054106503 . . . Construction Costs - Ocean Mall . . 30,000
\$260,000

SECTION 2. That this ordinance shall be effective upon final passage and adoption by the City Council.

PASSED AND APPROVED on first reading this 16th day of November, 1988.

PASSED and ADOPTED on second and final reading this 7th day of December, 1988.

APPROVED:

Clara K. Williams [Signature]
MAYOR CHAIRMAN

(MUNICIPAL SEAL)

[Signature] [Signature]
CITY CLERK CHAIRMAN PRO-TEM

COUNCILMEMBERS

| | 1st Reading | 2nd & Final Reading |
|--------------|-------------------|---------------------|
| MOTIONED BY: | <u>D. Orange</u> | <u>J. Goode</u> |
| SECONDED BY: | <u>D. Pettway</u> | <u>D. Orange</u> |
| P. Owens: | <u>aye</u> | <u>aye</u> |
| A. Fox: | <u>aye</u> | <u>excused</u> |
| D. Orange: | <u>aye</u> | <u>aye</u> |
| D. Pettway: | <u>aye</u> | <u>excused</u> |
| J. Goode: | <u>aye</u> | <u>aye</u> |

DW/bh
11/16/88

CERTIFICATE OF PUBLICATION

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

Gwendolyn E. Davis, City Clerk

ORDINANCE NO. 2403

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING SECTION 13-40 OF THE CITY CODE; AND THEREBY PLACING RESTRICTIONS ON STREET VENDORS AT CERTAIN HOURS NEAR CERTAIN TYPES OF SCHOOLS; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH AS FOLLOWS:

SECTION ONE

That Section 13-40 of the City Code is HEREBY AMENDED TO READ AS FOLLOWS:

"Sec. 13-40. Peddling foodstuffs regulated; penalty.

(1) It shall be unlawful for any person to operate or cruise in a motor vehicle or by pushcart or on foot or otherwise to solicit, attempt to solicit, sell or attempt to sell any merchandise or foodstuff in, upon, or within 150 feet of the grounds of any public park, public recreation area, public beach or educational institution (other than a school for adults only).

(2) These occupations require an occupational license. In addition it shall be unlawful to attempt to engage in any such activity within five hundred (500) feet of any public or private school or school zone between the hours of 7:00 a.m. to 9:00 a.m. and between the hours of 2:30 p.m. and 4:30 p.m. and each day any such school or school zone is open for instruction and the school has any pupils from the ages of pre-school to and including 12th grade.

(3) No outside speaker or amplified sound shall be permitted.

SECTION TWO

This Ordinance shall be effective upon final passage by the City Council.

PASSED and ADOPTED on first reading this 7th day of December 19 88.

PASSED and ADOPTED on second and final reading this 21st day of December, 19 88.

APPROVED:

Edna K. Williams
MAYOR

[Signature]
CHAIRMAN

(MUNICIPAL SEAL)

[Signature]
CHAIRMAN PRO TEM

ATTEST:

Carrie E. Hurd
CITY CLERK *Acting*

[Signature]
[Signature]

COUNCILMEMBERS

Motioned By: 1st Reading
D. Orange
Seconded By: J. Goode

2nd and Final Reading
D. Orange
D. Pettway

| | | |
|------------|----------------|------------|
| P. Owens | <u>aye</u> | <u>aye</u> |
| A. Fox | <u>excused</u> | <u>aye</u> |
| D. Orange | <u>aye</u> | <u>aye</u> |
| D. Pettway | <u>excused</u> | <u>aye</u> |
| J. Goode | <u>aye</u> | <u>aye</u> |

TCP/dm
09/20/88
10/18/88

CERTIFICATE OF PUBLICATION

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

Gwendolyn E. Davis, City Clerk

[Signature]
11-8-88



CITY OF RIVIERA BEACH

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

OFFICE OF
CITY CLERK

PUBLICATION REQUEST FOR PALM BEACH POST TIMES

December 8, 1988

The below Bill described by title only will be placed on second and final reading at the **Regular Meeting** of the City Council of the City of Riviera Beach, Florida, to be held on December 21, 1988 at City Hall, 600 West Blue Heron Blvd., at 7:30 p.m. and from time to time thereafter as may be necessary for the purpose of enactment of the following Ordinance:

ORDINANCE NO. 2403

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING SECTION 13-40 OF THE CITY CODE; AND THEREBY PLACING RESTRICTIONS ON STREET VENDORS AT CERTAIN HOURS NEAR CERTAIN TYPES OF SCHOOLS; PROVIDING AN EFFECTIVE DATE.

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

PUBLISH: December 10, 1988

slh

Gwendolyn E. Davis, CMC
City Clerk
City of Riviera Beach, Florida

RECEIVED BY [Signature]

DATE 12/10/88

ORDINANCE NO. 2404

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 9 ENTITLED "FIRE PREVENTION" CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH BY AMENDING SECTION 9-9 AS ADOPTED BY ORDINANCE NO. 2360 PERTAINING TO ORDERS TO CORRECT VIOLATIONS AND AMENDING SECTION 9-15 AS ADOPTED BY ORDINANCE 2360 PERTAINING TO VIOLATIONS AND PENALTIES AND AMENDING SECTION 9-16 AS ADOPTED BY ORDINANCE 2372 PERTAINING TO THE FIRE CODE BOARD OF APPEALS, PROVIDING PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. ORDER TO CORRECT VIOLATIONS; WARNING.

SECTION 9-9 IS

HEREBY AMENDED IN ITS ENTIRETY AS FOLLOWS:

A. "Whenever any firesafety inspector, as defined by Florida Statute, shall find any building, or upon any premises or other places, combustibles or explosive matter or dangerous accumulations of rubbish or unnecessary accumulations of waste paper, boxes, pallets, shavings, or any highly flammable materials especially liable to fire, and to which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operations of the Fire Department or egress of the occupants in case of fire; or shall find a violation of any fire codes adopted specifically or by reference by this code, the firesafety inspector shall issue a written warning ordering the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings.

B. Any owner or occupant failing to correct fire code violations within a period of forty-five (45) days after the issuance of a written warning, or a period of time longer than forty-five (45) days if so specified in the written warning, shall be issued a citation in accordance with Sec. 9-16 of this code and 633.052, F.S., and shall be liable to any civil penalties as hereinafter provided.

C. The service of any such written warning may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally, or leaving it with any adult person in charge of the premises, or, in the case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises, and/or by mailing a copy by certified mail, return receipt requested. Whenever it may be necessary to serve such a written warning upon the owner of premises, such a written warning may be served either by delivering to and leaving with the said person a copy of the said written warning, or by mailing such copy by certified mail, return receipt requested, to the owner's last known post office address."

SECTION 2. VIOLATIONS; PENALTIES.

SECTION 9-15 IS AMENDED HEREBY IN ITS

ENTIRETY AS FOLLOWS:

A. "Any owner and or occupant, who after a minimum of forty-five (45) days from receipt of a written warning in accordance with Sec. 9-9 of this Code, shall continue to violate any of the provisions of the Code cited in the written warning; or shall fail to comply therewith; or shall continue to violate or fail to comply with any order made thereunder; or shall continue to build in violation of any detail, statement,

specification, or plans submitted or approved thereunder; or shall continue to operate not in accordance with the provisions of any certificate, permit, or approval issued thereunder, or who shall fail to comply with such a written warning, severally for each and every violation and noncompliance, respectively, shall be guilty of a civil infraction in violation of a duly enacted ordinance of the City of Riviera Beach and shall receive a citation attesting to the facts constituting probable cause of such violation. Each day that such violation or violations exist shall be a separate violation.

B. The applicable civil penalty, should the person correct the violation and not contest the citation, shall be fifty (\$50.00) dollars, payable within a period of thirty (30) days from its issuance. The applicable civil penalty, should the person contest the citation in county court and be found in violation of a duly enacted fire code ordinance of the City of Riviera Beach, shall be five-hundred (\$500.00) dollars. Should the person fail to pay the civil penalty within the fifteen day time period allowed, or fail to appear in county court to contest the citation, then he shall be deemed to have waived his right to contest the citation and, in such case, judgement may be entered against the person for an amount up to the maximum civil penalty of five-hundred (\$500.00) dollars.

The imposition of a civil penalty for any violation shall not excuse the violation, nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions by injunction or as otherwise permitted by law."

SECTION 3. FAILURE TO SIGN AND ACCEPT CITATION: PENALTY. SECTION 9-16 IS HEREBY AMENDED IN ITS ENTIRETY AS FOLLOWS:

"Any person who willfully refuses to sign and accept a citation issued by a firesafety inspector shall be guilty of a misdemeanor of the second degree as provided in s. 633.052, and punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes."

SECTION 4. Any person, firm, corporation, or other entity convicted of a violation of any of the provisions of this Ordinance shall be punished as prescribed in Section 1-8 of this Code of Ordinances.

SECTION 5. In the event that any provision or application of the 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.

ORDINANCE NO. 2404

PASSED AND APPROVED on first reading this 7th day of
December, 1988.

PASSED AND ADOPTED on second and final reading this 21st day of
December, 1988.

APPROVED:

Clara L. Williams D. Orange

MAYOR

CHAIRMAN

(MUNICIPAL SEAL)

A. Fox
CHAIRPERSON PRO TEM

ATTEST:

Carrie E. Hunt
CITY CLERK *Acting*

Donald Pettway
COUNCIL MEMBERS

| | 1st Reading |
|--------------|------------------|
| Motioned by: | <u>D. Orange</u> |
| Seconded by: | <u>J. Goode</u> |
| J. Goode | <u>aye</u> |
| D. Orange | <u>aye</u> |
| P. Owens | <u>aye</u> |
| A. Fox | <u>excused</u> |
| D. Pettway | <u>excused</u> |

| | 2nd and Final Reading |
|--|-----------------------|
| | <u>D. Pettway</u> |
| | <u>A. Fox</u> |
| | <u>aye</u> |

ORDINANCE NO. 2405

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING PARAGRAPH B OF SECTION 23.AA-25, OF THE LAND DEVELOPMENT CODE AND THEREBY LIBERALIZING THE REQUIREMENTS FOR OFF-STREET PARKING; PROVIDING AN EFFECTIVE DATE.

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

SECTION ONE

That paragraph B of Section 23.AA-25 of the Land Development Code, now reading as follows:

"B. Location of Off-Street Parking Spaces

Except as otherwise prescribed in this Ordinance, off-street parking spaces required by this section shall be located on the same lot or on a lot adjacent to the lot on which the main building or use is located, provided if the lot used for parking is in the same zoning district as the main structure. For buildings or uses located in a commercial district parking spaces may be located on another site (within same zoning district) provided such site is not more than five hundred (500) feet from the building or use."

IS HEREBY AMENDED TO READ AS FOLLOWS:

"B. Locating Off-street Parking Spaces

Except as otherwise prohibited in this code, all parking spaces shall be located on the same lot or parcel of land as the building or use served, or, subject to site plan review, within 300 feet from the building or use served, measured along lines of the shortest pedestrian route, provided the zoning classification of the parking lot land allows the use (as a permitted use or by special exception) to be served by the parking lot. No off-site parking shall be allowed if the pedestrian route must cross any federal or state highway."

SECTION TWO

This Ordinance shall be effective upon final passed by the City Council.

PASSED and APPROVED on first reading this 21st day of December, 1988.

PASSED and ADOPTED on second and final reading this 4th day of January, 1988.89

APPROVED:

Clara K. Williams
MAYOR

[Signature]
CHAIRMAN

Allen Fox
CHAIRMAN PRO TEM

ATTEST:

(MUNICIPAL SEAL)

Gwendolyn E. Davis
CITY CLERK

[Signature]

Donald Pettway

COUNCILMEMBERS

MOTIONED BY: J. Goode
SECONDED BY: D. Pettway

2nd & Final Reading
D. Pettway
D. Orange

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

aye
aye
aye
aye
aye

TCP/dm
10-3-88

CERTIFICATION OF PUBLICATION

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

Gwendolyn E. Davis
Gwendolyn E. Davis, City Clerk



CITY OF RIVIERA BEACH

600 WEST BLUE HERON BLVD . RIVIERA BEACH, FLORIDA 33404

OFFICE OF
CITY CLERK

PUBLICATION REQUEST FOR PALM BEACH POST TIMES

December 22, 1988

The below Bill described by title only will be placed on second and final reading at the Regular Meeting of the City Council of the City of Riviera Beach, Florida, to be held on January 4, 1989 at City Hall, 600 West Blue Heron Blvd., at 7:30 p.m. and from time to time thereafter as may be necessary for the purpose of enactment of the following Ordinance:

ORDINANCE NO. 2405

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING PARAGRAPH B OF SECTION 23.AA-25, OF THE LAND DEVELOPMENT CODE AND THEREBY LIBERALIZING THE REQUIREMENTS FOR OFF-STREET PARKING; PROVIDING AN EFFECTIVE DATE.

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

PUBLISH: December 24, 1988

slh

Gwendolyn E. Davis, CMC
City Clerk
City of Riviera Beach, Florida

ORDINANCE NO. 2406

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING ARTICLE III OF CHAPTER 13 OF THE CODE OF ORDINANCES AND ENACTING A NEW ARTICLE III OF CHAPTER 13, RELATING TO REGULATION OF BOATS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has experienced problems regarding the anchoring and mooring of boats on the waters within the city limits, and;

WHEREAS, unattended boats are driven by the wind into other boats or break free of their anchors or moorings, and;

WHEREAS, unattended boats deteriorate, become unsafe, leak pollutants, become unsightly, obstruct navigation, and become a nuisance to other boaters and landowners adjacent to the shorelines, and;

WHEREAS, mooring boats in open waters while not traveling port to port or visiting this area for short periods of time is not exercising the "rights of navigation," and;

WHEREAS, the City is determined to correct these problems to protect the health, safety, and general welfare;

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

SECTION ONE

That Article III of Chapter 13 of the Code of Ordinances of the City of Riviera Beach IS HEREBY REPEALED.

SECTION TWO

That a new Article III of Chapter 13 of the Code of Ordinances, consisting of Sections 13-46 through 13-64 inclusive, reading as follows IS HEREBY ENACTED.

SECTION THREE

"Sec. 13-46. Definitions.

Definitions as stated in Florida Statutes, Section 327.02, are incorporated herein by reference. "Boat" is

synonymous with "watercraft" and "vessel" and includes a jet-ski and similar devices. "Harbor" means any part of Lake Worth within the jurisdiction of the City of Riviera Beach as such jurisdiction exists, now or hereafter. The map area of jurisdiction as of the effective date hereof is attached hereto and made a part hereof.

Sec. 13-47. Compliance with Article III.

For the protection of property owners, the general public, and owners and operators of watercraft in the City, all watercraft of any type whatsoever, operated, moored, docked, or anchored at any place in the canals, rivers, bays or waters within the corporate limits of City and the owners, operators, or occupants thereof, shall be governed by and observe the provisions of this Article III.

Sec. 13-48. Authority of City to regulate waterways.

The City shall have the right to regulate the use of all waterways within the City limits and the conduct of all persons using same, provided such regulation does not conflict with federal or state laws or regulations that supercede municipal regulation.

Sec. 13-49. Evidence of identity of violator.

In any action charging a violation of any provision of this Article governing the operation, mooring, docking or anchoring of watercraft, or parking of motor vehicles, proof that the particular watercraft or motor vehicle described in the citation, summons, or notice of violation, was violating a provision of this Article III, together with proof that the operator thereof was not present at the time a violation was observed, or was present and did not identify himself as the operator, or denied that he was the operator, the person, corporation or other entity in whose name said watercraft or motor vehicle is registered shall be held prima facie responsible for said violation.

Sec. 13-50. Rights of City on property abutting public waterways.

Whenever a public street or thoroughfare is platted or exists in the City abutting or touching a waterway open to public use, the City as trustee for the public, has and owns riparian rights at such places. The City has the right to regulate the use of the waters adjacent to such place, and to construct docks, public landings, piers or wharves at such places. Whenever a street, platted or existing in the City, ends at a waterway in the City, the portion of such streets abutting the waterway is hereby declared to be public property, and the City has the right to regulate the use of the waters adjacent to such place, and to construct docks, public landings, piers, or wharves at such places.

Sec. 13-51. Trespassing boats, motor vehicles, or trailers.

(a) Any boat, motor vehicle, or boat trailer, that is trespassing (as defined below) may be immediately impounded and removed and shall not be released until all charges for towing and storage have been paid. The towing and storage may be performed by third parties under agreement with the City.

(b) Trespass occurs when:

(1) Any boat, motor vehicle, or boat trailer is placed or parked in any "Tow Away Zone" that is posted with a "Tow Away Zone" sign. The sign is the only notice required in any "Tow Away Zone." All grassed area at the marina are "Tow Away Zones."

(2) Any boat, motor vehicle, or boat trailers placed, parked, moored, or otherwise attached to any City property other than a posted "Tow Away Zone," and the operator of the item has been verbally ordered to remove the item and has not done so, or has failed to remove the item within four (4) hours after posting of a written notice on such boat

ordering the removal of the boat from City property is trespass ab initio.

Sec. 13-52. Anchoring Boats in Harbor; unattended boats at anchor.

(a) No person shall anchor any boat in the harbor for more than 24 hours unless a written permit for such anchoring has been obtained from the Marina Director of the City, or designee. No person shall leave any boat anchored in the harbor unattended for more than 12 consecutive hours.

(b) All permits required by this section shall be applied for by the owner of the boat or person in charge of the boat within twenty-four (24) hours after the boat enters the harbor if the boat is to remain at anchor in the harbor for more than 24 hours.

(c) There shall be no fee for such permit.

(d) The permit shall be displayed so that it can be seen through the left front window of the boat and must be displayed to any enforcement officer of the City upon demand to see the permit. Failure to display the permit officer shall be prima facie evidence that no valid permit exists.

(e) The Marina Director shall issue a permit only upon submittal to the Marina Director, or designee, of a completed permit application form.

(f) No permit shall be issued for more than seven (7) days. No permit shall be issued to any boat that is not in transit from another port and is anchored within the harbor as part of such transit, or is visiting the area for a period of seven (7) days or less.

(g) This section shall not apply to boats operated by the State of Florida or the United States Government. Any boat that is required to have a permit issued by the marina director that is found without a valid permit issued by the Marina Director or designee, may be immediately impounded, removed and stored, subject to subparagraph (h), below.

(h) If any city enforcement officer finds a boat in the harbor that does not have a City permit and there is reason to believe the operator or owner of the boat is not aware of the need for a permit, the enforcement officer shall advise any adult aboard the boat of the need to obtain a permit within 24 hours of the time of such notice and also advise that the boat may not be left at anchor unattended for more than 12 hours. If no occupant is aboard the boat, the enforcement officer shall leave on the boat a written notice of the same information. If, after such notice, a permit is not obtained in the required time, the boat may be impounded without additional notice. No boat shall be entitled to receive more than one notice.

Sec. 13-53. Watercraft a menace to navigation prohibited.

(a) Watercraft of any kind which, because of badly deteriorated condition, may cause damage to private or public property or which may be or become a menace to navigation, shall not be permitted to moor or tie up at any municipal dock, or in any waterways within the City except such watercraft may moor at a licensed marine facility solely for the purpose of repairs to the watercraft.

(b) It shall be unlawful for any person to moor any watercraft anywhere or in such a manner whereby such watercraft is a menace or obstruction to navigation.

(c) Abandoned boats shall be disposed of pursuant to Chapter 705, Florida Statutes.

Sec. 13-54. Sunken boats.

(a) Public hazard and/or public nuisance; removal requirement. Sunken boats in any waters within the City are declared to be a public nuisance. If a boat sinks in a harbor, marina, channel, or in any of the waters within the municipal limits of the City, it shall be the duty of the owner(s) thereof to immediately remove the same at their

expense, and on their failure to do so it shall be the duty of the marina director to remove the same at the expense of the owner or owners. The owner(s) shall be liable for the expense incurred in such removal by the director. The presence of a sunken boat in a channel, other than the Intercoastal Waterway not under city jurisdiction, is hereby declared to be a public nuisance per se, and the director is hereby authorized and directed to take emergency measures to remove same after first giving three (3) days written notice to the owner or owners to do so, if possible. If he is unable to locate the owner or owners, notice shall be given by publication one time in a newspaper of general circulation in Palm Beach County. If a boat has been sunk in waters other than a channel, same is hereby declared to be a public nuisance, but not requiring immediate, emergency action. Before exercising the powers granted to him by this section, the director shall first give the owner or owners ten (10) days written notice of his intention to remove the boat unless the owner or occupant removes same. If the director cannot locate any owner or co-owner, the director, shall give at least ten (10) days notice of intent to remove the boat by publication in a newspaper of general circulation in Palm Beach County.

(b) Collection of costs of removal. In the event it becomes necessary for the director to remove a sunken boat, the City may, at its option, attach a lien to the salvage enter suit against the owner to recover such costs, or both.

Sec. 13-55. Careless operation of watercraft.

(a) It is careless operation of a watercraft to operate any watercraft, or through operation of same, allow the manipulation of any water skis, aquaplane, or similar device in disregard for the safety of persons or property, or without due regard, caution or circumspection. It is careless operation to operate any such item at a speed or in

a manner as to endanger, or that may endanger, damage, or injure life, limb, or property.

(b) Operation of any boat within fifty (50) feet of any boat launching ramp at a speed in excess of five (5) miles per hour shall be prima facie evidence of careless operation of such boat.

Sec. 13-56. Speed restrictions; water skiing prohibited.

(a) It shall be unlawful for the operator of any boat to operate the same at a speed greater than "slow down minimum wake," at all times that boat is within one hundred (100) feet of a bridge, dock, pier, wharf, mooring, or launching area, or is within a canal, lagoon, bay, estuary, or the like.

(b) Water skiing, aquaplaning, or similar activities are prohibited utilizing any watercraft within one hundred (100) feet of any bridge, dock, pier, wharf, mooring, or launching area.

Sec. 13-57. Health and sanitation rules of City; disorderly conduct, etc., on watercraft.

All persons on board watercraft, moored to land, docks, piers, wharves, or anchored in the waterways of the City shall observe all health and sanitary regulations of the City and all ordinances of the City relating to the conduct of persons, including those prohibiting acts contrary to health, morals, safety, or public peace, and including ordinances prohibiting disorderly conduct or loud and boisterous noises which disturb the peace.

Sec. 13-58. Excessive operating noise.

No operator shall cause or allow excessive noise in the operation of watercraft or in operating blowers, machinery, or motors of or on board a watercraft in violation of any noise control ordinance of the City.

Sec. 13-59. Refuse disposal.

(a) It shall be unlawful for any person to dump or throw, or cause to be dumped or thrown waste material, refuse, petroleum products, or other debris into any waterways of the City.

(b) All watercraft moored or docked in the waterways within the City limits other than at the municipal docks, shall provide garbage cans of sufficient capacity (not larger than thirty-two (32) gallons with tight-fitting tops) to hold garbage or refuse to be collected by the City or its contractors.

(c) The City shall furnish and provide sufficient garbage containers near the municipal docks to service all watercraft moored at such docks, and the City shall make collections as established by ordinance.

(d) No one shall throw, drop or leave fish, garbage, trash, refuse, bait or other debris on docks, walls, parkways, parks, or other premises within the City except in proper receptacles provided for same.

Sec. 13-60. Equipment for excrement, waste, refuse.

No person shall use or maintain living quarters on any motor boat, yacht, houseboat, floating home, or any other type of watercraft on any of the waters within the City limits of the City unless the same shall be equipped with a holding tank and/or chlorinator-maserator or other equipment sufficient for the purpose of containing all excrement, waste and refuse from such craft, and the same shall be disposed of in accordance with the rules and regulations heretofore or hereafter established by resolution of the City Council for the disposal of same, but in no event shall any part thereof be released into any of the waters within in the City.

Sec. 13-61. Enforcement.

(a) The Marina Director is hereby given the power and duty of enforcing the provisions of this Article III and of

making further rules and regulations to carry the provisions hereof into effect provided the rules and regulations shall be approved by resolution of the City Council before becoming effective.

(b) In the event any watercraft shall be in violation of any provisions of this Article III, the director may subject to the notice provisions and permitting provisions, have the watercraft removed, and impounded. All costs for towing and storage will be assessed against the owner. If the watercraft is unclaimed after ninety (90) days, it may be sold with the proceeds therefrom paying for charges incurred, with the remaining funds going to the City's General Fund.

(c) The director of Community Development and Environmental Control shall have the duty to enforce the provisions of this article which pertain to building and zoning.

(d) The police department shall have concurrent jurisdiction to enforce the provisions of this Article III. The Code Enforcement Board shall have jurisdiction regarding Sections 13-51, 13-52, 13-53, and 13-54, 13-59, and 13-60 of this Article III.

(e) No boat shall be entitled to receive more than one notice for any violation of this Article II. Each notice shall be a continuing notice.

Sec. 13-62. Penalty for violations.

Any person violating any of the provisions of this Article III shall, upon conviction thereof, be punished as provided by Section 1-8 of this Code of Ordinance. In addition, if a boat is found in violation, the boat shall not be granted a city permit within six (6) months of the last date of the violation.

Sec. 13-63. Severability.

If any section, subsection, clause, sentence, or phrase of this Article III is for any reason held unconstitutional or invalid, such shall not affect the validity or unconstitutionally of any of the remaining portions of this Article III.

Sec. 13-64. Reserved."

SECTION FOUR.

This ordinance shall be effective immediately upon final passage by the City Council.

PASSED and APPROVED on first reading this 21st day of December, 1988.

PASSED and ADOPTED on second and final reading this 4th day of January, 1988. 89

APPROVED

Oliver K. Williams
MAYOR

[Signature]
CHAIRMAN

(MUNICIPAL SEAL)

Allen Fox
CHAIRMAN PRO TEM

[Signature]

ATTEST:

[Signature]
CITY CLERK

Donald Pettway

COUNCILMEMBERS

Motioned By: J. Goode
Seconded By: A. Fox

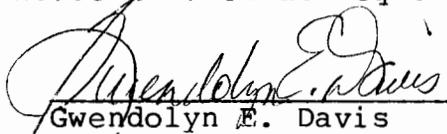
2nd & Final Reading
J. Goode
D. Pettway

| | | |
|------------|------------|------------|
| P. Owens | <u>aye</u> | <u>aye</u> |
| A. Fox | <u>aye</u> | <u>aye</u> |
| D. Orange | <u>aye</u> | <u>aye</u> |
| D. Pettway | <u>out</u> | <u>aye</u> |
| J. Goode | <u>aye</u> | <u>aye</u> |

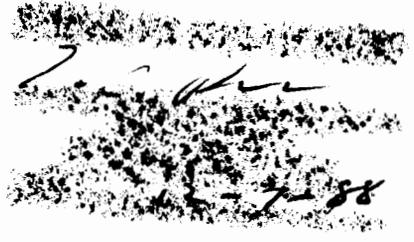
TCP: jb/dm
8/18/88
8/23/88
9/26/88
12/7/88

CERTIFICATE OF PUBLICATION

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



Gwendolyn E. Davis
City Clerk


7-88

PALM BEACH

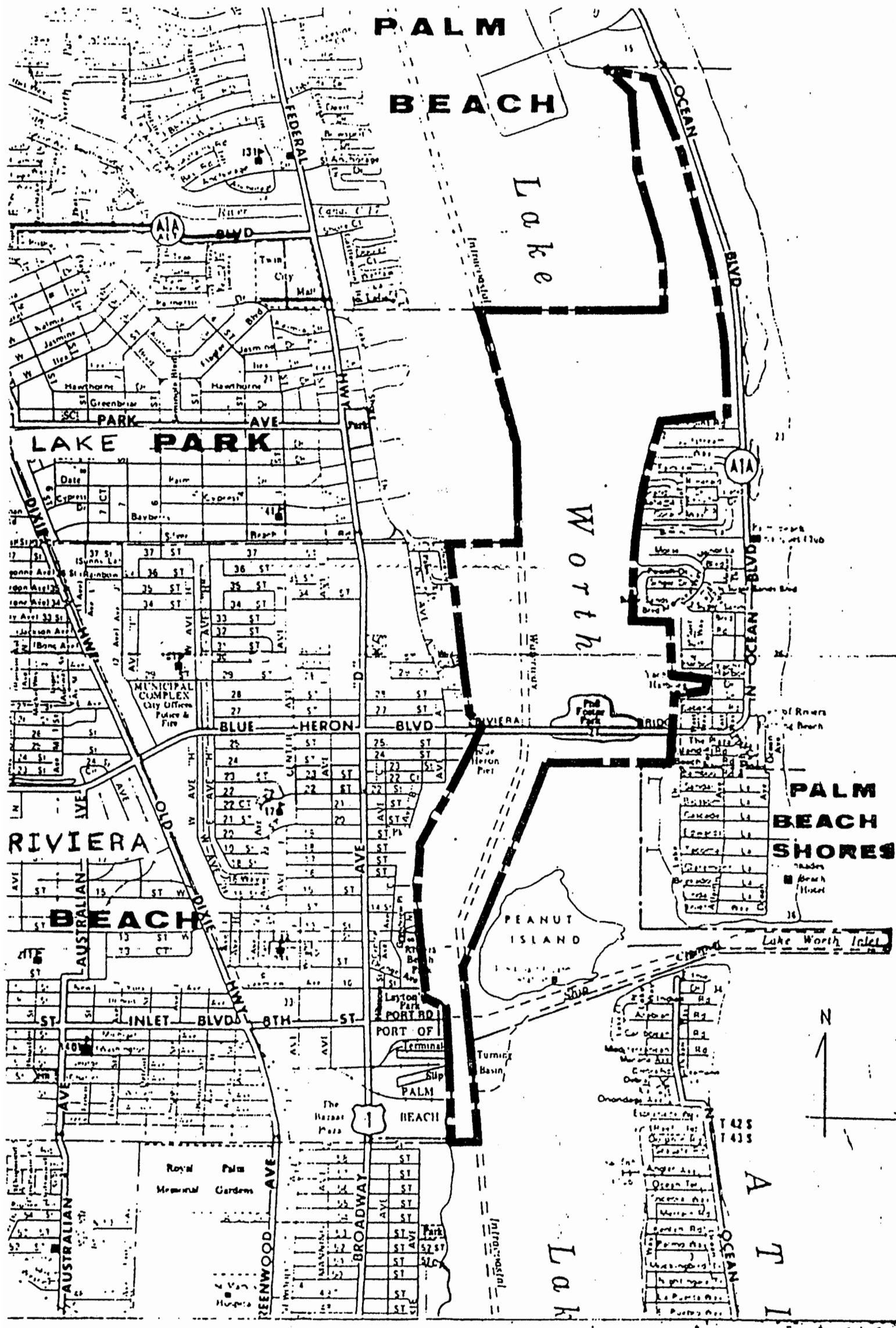
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ORDINANCE NO. 2407

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, ENACTING A NEW DIVISION 4 TO ARTICLE III OF CHAPTER ELEVEN OF THE CODE OF ORDINANCE AND THEREBY, PROVIDING FOR SHORT TITLE; PROVIDING FOR RULES OF CONSTRUCTION; PROVIDING FOR DEFINITIONS; PROVIDING FOR STANDARDS FOR MAINTENANCE AND INSTALLATION; PROVIDING FOR STANDARDS FOR LOCATION AND PLACEMENT; PROVIDING FOR NEWSRACKS LOCATED ON PRIVATE PROPERTY; PROVIDING FOR ABANDONMENT; PROVIDING FOR ENFORCEMENT; PROVIDING FOR LIBERAL CONSTRUCTION, SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Riviera Beach now finds and determines that it is in the best interests of the citizens of the city for the city to regulate the location and placement of newsracks outside public rights-of-way so as to safely regulate their location and placement; and,

WHEREAS, the primary purpose of the public rights-of-way, public sidewalks, and bike paths in the city is for the safe and efficient use by vehicular, bike, and pedestrian traffic; and,

WHEREAS, the city finds and determines that the regulated use of newsracks outside of public rights-of ways, sidewalks, and bike paths will tend to insure the safe location and placement of said newsracks and furthers the public's health, safety and welfare; and,

WHEREAS, the city has adopted a comprehensive approach to land use regulation to protect property values, the public, and the environment pursuant to Chapter 163, F.S., Part II; and,

WHEREAS, this ordinance is adopted pursuant to the authority granted to municipalities under Article VIII, Section 2, Florida Constitution, Chapter 125, Florida Statutes, and Chapter 163, Part II, Florida Statutes. This ordinance is intended solely to further the public's health, safety and general welfare by insuring that newsracks are located so as to protect pedestrians, the operators of motor vehicles and bicycles. It is in no way intended to regulate or obstruct the distribution of information or inhibit those rights to commercial or other free speech which are guaranteed by Constitution of the United States and State of Florida; and,

WHEREAS, the regulated location and placement of newsracks, within or upon the public rights-of-way, sidewalks, and bike paths would be consistent with the public health, safety and general welfare; and,

WHEREAS, the city in no way or manner seeks to restrain or abridge the constitutional rights afforded by the First Amendment to the United States Constitution and /or Article I, Section 4 of the Florida Constitution, by virtue of the enactment of this ordinance; and.

WHEREAS, the city further recognized and determines that it is in the best interests of the citizens of Riviera Beach to require the maintenance of newsracks under specified conditions throughout the city,

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

SECTION ONE

That a new Division 4 to Article III of Chapter II of the Code of Ordinance of the City of Riviera Beach reading as follows is HEREBY ENACTED:

"DIVISION 4- NEWSRACKS

Sec. 11-90. Short Title. This ordinance shall be known and cited hereinafter as the "Newsrack Ordinance."

Sec. 11-91. Rules of Construction. For the purposes of administration and enforcement of this chapter, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text herein.

(1) In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

(2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

(3) Words used in the present tense shall include the future and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(4) The phrase "used for" includes "arrange for", "designed for" "maintained for" or "occupied for".

(5) The word "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity.

(6) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:

(a) "And" indicates that all the connected terms, conditions, provisions, or events shall apply.

(b) "Or" indicates that the connected items, conditions provisions, or events may apply singly or in any combination.

(c) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(7) The word "includes" shall limit a term to the specified example, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(8) The provisions of this ordinance shall be liberally construed.

Sec. 11-92. Definitions.

A. Advertising Circular: Any publication that contains only advertising and no news reports.

B. Bike Path: That portion of a right-of-way improved, designed or ordinarily used for bicycle traffic.

C. Distributor: The person responsible for placing and maintaining the newsrack, the owner of the newsrack, or the publisher of the newspaper placed therein. Pedestrian individuals who sell newspapers in, on, or around the public right-of-ways shall not be considered to be distributors subject to this ordinance.

D. Median: The portion of a divided highway separating a traveled way for traffic and opposing directions. The median width is expressed as the dimensions between the through land edges and includes the shoulders, if any.

E. Newsrack: Any self-service or coin-operated box, container, storage unit or other dispenser located, placed, installed, used, or maintained for the display, sale, or distribution of newspapers or other news periodicals or advertising circulars.

F. Right-of-way: That area dedicated to public use or otherwise owned by a public agency for public street purposes and shall include, but not be limited to, roadways, swales, bike paths, and sidewalks.

G. Roadway: that portion of the right-of-way improved, designed, or ordinarily used for vehicular traffic.

H. Sidewalk: Any surface within a right-of-way provided for the primary use of pedestrians.

I. Swale: Any area within a right-of-way which is not either a bike path, sidewalk, or roadway. The term shall also include any area within a roadway which is not open to vehicular traffic.

Sec. 11-93. Standards for Maintenance and Installation

Newsracks shall comply with the following standards:

(1) No newsrack shall be used for advertising or publicity purposes other than that dealing with the display, sale, or purchase of the newspaper or news periodical sold or distributed therein. Not more than one (1) advertising sign (not exceeding two (2) feet by one (1) foot) shall be placed on a newsrack. Provided, however, this subsection shall not limit the placement of the name of the newspaper or periodical distributed from the newsrack on any number of locations on the newsrack.

(2) Each newsrack shall be maintained in a neat and clean condition and in good repair at all times. In good repair shall mean, at a minimum, that the newsrack operates as intended.

Sec. 11-94. Standards for Location and Placement

(1) It is the intent of this ordinance to prohibit the placement of newsracks that obstruct or interfere with the safe and efficient movement of pedestrians, bicycles, or vehicular traffic.

(2) The location or placement of newsracks, via a paved or stabilized area within the public right-of-way, can cause vehicles to interfere with or obstruct the usual safe flow of traffic or traffic blockage which should be, to the extent possible, discouraged. Therefore, whenever feasible, newsracks located within the public right-of-way shall be located such that the newsrack does not create a safety hazard for motor vehicles and shall be accessible via a paved or stabilized "pull-off area" so as to permit vehicles to safely exit from a traveled lane of

traffic to the area within the right-of-way where the newsrack is located.

(3) No newsrack shall be used or maintained if it projects onto, into, or over any part of any roadway, bike path, sidewalk, or which rests, wholly or in part upon or over, any portion of any roadway or bike path.

(4) No newsrack or any portion thereof shall be permitted to rest onto, upon, in , or over any swale, sidewalk, median, roadway, or bike path when such installation, use or maintenance poses a threat to the safety of persons or property, or when such newsrack unreasonably obstructs the flow of pedestrian, bicycle or motorized vehicular traffic.

(5) No more than one (1) newsrack containing the same issue or edition or the same publication shall be located within the same block or three hundred (300) feet, which ever is the lesser distance, on the same side of the street. Provided, however, a distributor may locate newsracks in excess of this limitation by demonstrating a public need for the excess newsracks.

A. A public need may be established by the following method, but such method is not exclusive. After notice to the City Manager, the distributor may monitor the sales activity of the newspaper at a particular location for a period of seven (7) days. If during that one week test period the distributor can demonstrate that the average circulation from that newsrack equals or exceeds seventy-five per cent (75%) of the capacity of the newsrack, then a public need is established and an additional newsrack may be placed at that location.

B. Provided, further, this limitation shall not apply on any site that is zoned or used for commercial uses.

C. The provisions of this section shall not containing two or more of the same issues or editions, but shall apply to the placement of new newsrack's or the addition of issues or editions after the effective date of this ordinance.

(6) Any newsrack which, as used or maintained, presents a safety hazard to pedestrians, bicyclists, or motorist because of the newsracks' location or proximity to swales, sidewalks, bike paths, medians, or road right-of-way shall be relocated within a reasonable time following notice by the city of the unsafe location of the newsrack to the distributor.

Sec. 11-95. Newsracks Located on Private Property

Any newsracks located totally on private property shall also be subject to and comply with the provisions of this ordinance.

Sec. 11-96. Abandonment

In the event a newsrack remains empty for a period of thirty (30) continuous days, it shall be deemed abandoned and may be treated in the manner as provided in this ordinance for newly placed newsracks in violation of the provisions of this division.

Sec. 11-97. Enforcement of Newsrack Violations

1. Upon the determination by the Chief of Police, the City Engineer, and the City Manager that a newsrack has been installed, used, or maintained in violation of the provisions of this ordinance, a Notice of Violation pursuant to the City's Codes Enforcement Board Ordinance may be issued to the distributor of the newsrack by a city code inspector. In addition, a copy of the notice may be posted on the offending newsrack.

2. If a distributor has been found in violation of this ordinance after a duly conducted hearing of the city's Codes Enforcement Board, failure to properly correct the offending condition within the time proscribed by the Codes Enforcement Board shall entitle the city to remove the offending newsrack in

addition to any fines the Codes Enforcement Board may have impose upon the newsrack distributor or landowner of the land on which the offending newsrack is placed. Any newsrack removed herein shall be stored by the city at the distributor's expense for a period of ninety (90) days. The newsrack shall be released to the distributor upon a proper showing of ownership and payment of all storage charges. In the event the newsrack is not claimed within the 90 days period, the newsrack may be sold at public auction and the proceeds applied first to storage charges, then toward any fines which have accumulated against the distributor pursuant to an order of the Codes Enforcement Board. At least ten (10) days prior to the auction the City Clerk shall publish a description of the newsrack, the location from which it was removed and a notice of the auction in a newspaper of general circulation in the city and shall provide the distributor, if it has been identified on the newsrack or if otherwise known, with written notice of the auction by certified mail, return receipt requested.

3. In the event a newsrack distributor appeals the decision of the Codes Enforcement Board pursuant to the provisions of the City's Code Enforcement Board Ordinance, the removal of newsrack shall be stayed pending final disposition of the appeal, if any, to the Circuit Court."

SECTION TWO

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

PASSED and APPROVED on first reading this 21st day of December, 1988.

PASSED and ADOPTED on second and final reading this 4th day of January, 1988.89

APPROVED:

Clara K. Williams
MAYOR

[Signature]
CHAIRMAN

(MUNICIPAL SEAL)

Dwendolyn E. Davis
CITY CLERK

Allen Fox
CHAIRMAN PRO TEM

[Signature]
COUNCILMEMBERS

COUNCILMEMBERS

1st Reading

2nd and Final Reading

Motioned By: D. Orange
Seconded By: A. Fox

D. Pettway
D. Orange

P. Owens aye
A. Fox aye
D. Orange aye
D. Pettway out
J. Goode aye

aye
aye
aye
aye
aye

TCP/jb/dm
10/10/88
11/22/88

CERTIFICATE OF PUBLICATIONS

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

Dwendolyn E. Davis
Dwendolyn E. Davis, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY

J.C. [Signature]

**CITY ATTORNEY
CITY OF RIVIERA BEACH**

DATE: 12-12-88



CITY OF RIVIERA BEACH

600 WEST BLUE HERON BLVD • RIVIERA BEACH, FLORIDA 33404

OFFICE OF
CITY CLERK

PUBLICATION REQUEST FOR PALM BEACH POST TIMES

December 22, 1988

The below Bill described by title only will be placed on second and final reading at the Regular Meeting of the City Council of the City of Riviera Beach, Florida, to be held on January 4, 1989 at City Hall, 600 West Blue Heron Blvd., at 7:30 p.m. and from time to time thereafter as may be necessary for the purpose of enactment of the following Ordinance:

ORDINANCE NO. 2407

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, ENACTING A NEW DIVISION 4 TO ARTICLE III OF CHAPTER ELEVEN OF THE CODE OF ORDINANCE AND THEREBY, PROVIDING FOR SHORT TITLE; PROVIDING FOR RULES OF CONSTRUCTION; PROVIDING FOR DEFINITIONS; PROVIDING FOR STANDARDS FOR MAINTENANCE AND INSTALLATION; PROVIDING FOR STANDARDS FOR LOCATION AND PLACEMENT; PROVIDING FOR NEWSRACKS LOCATED ON PRIVATE PROPERTY; PROVIDING FOR ABANDONMENT; PROVIDING FOR ENFORCEMENT; PROVIDING FOR LIBERAL CONSTRUCTION, SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

PUBLISH: December 24, 1988

slh

Gwendolyn E. Davis, CMC
City Clerk
City of Riviera Beach, Florida

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 CLASSIFIED POSITION OF VOLUNTEER COORDINATOR UNDER CLASS TITLE VOLUNTEER & COMMUNITY SERVICES MANDATING 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 and adding thereto the classified position of Volunteer Coordinator as follows:

| <u>CLASS TITLE</u> | <u>CLASSIFICATION</u> | <u>PAY GRADE</u> | <u>SALARY</u> |
|--------------------------------|-----------------------|------------------|---------------------|
| VOLUNTEER & COMMUNITY SERVICES | Volunteer Coordinator | G25 | \$16,282 - \$25,428 |

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

PASSED AND APPROVED on first reading this 21st day of December, 1988.

PASSED AND ADOPTED on second and final reading this 4th day of January, 1989.

APPROVED:

Clara K. Williams

Mayor

Chairperson

ATTEST:

Rupenildyn Davis
City Clerk

Allen Fox
Vice Chairperson

Donald Pettway

Council Members

1st Reading

Motioned by: D. Orange

D. Pettway

Seconded by: A. Fox

J. Goode

P. Owens: aye

aye

A. Fox: aye

aye

D. Orange: aye

aye

D. Pettway: out

aye

J. Goode: aye

aye

VOLUNTEER COORDINATOR
VOLUNTEER & COMMUNITY SERVICES DEPARTMENT
CITY OF RIVIERA BEACH, FLORIDA

MAJOR FUNCTION

This job consists of enlisting, providing for, arranging, and coordinating the volunteer services of individuals, groups, and/or organizations used to assist with activities or specialized program areas within the Department of Volunteer & Community Services.

ILLUSTRATIVE DUTIES

Interviews, screens, and refers prospective volunteers for assignments. Coordinates program personnel in developing and encouraging interested individuals, groups, and organizations to donate their time to Community Service Program activities.

Works with community groups and individuals in establishing service projects.

Accepts and acknowledges contributions. Receives and refers clients participating in Community Services activities.

MINIMUM QUALIFICATIONS

Knowledge, Abilities and Skills:

1. Knowledge of principles and techniques of effective verbal and written communications.
2. Ability to interview, screen, and refer prospective volunteers for assignments.
3. Ability to encourage others to volunteer their time.
4. Ability to plan, coordinate and participate in conducting tours of the facility.
5. Ability to work with others in establishing service projects.
6. Ability to plan, organize, and coordinate work assignments.
7. Ability to speak publicly.
8. Ability to communicate effectively verbally and in writing.
9. Ability to establish and maintain effective working relationships with others.

Training & Experience:

Graduation from High School and/or College. Four years of experience in volunteer, community, social or rehabilitative services, fund raising or public relations, or any equivalent combination of training and experience.



CITY OF RIVIERA BEACH

600 WEST BLUE HERON BLVD • RIVIERA BEACH, FLORIDA 33404

OFFICE OF
CITY CLERK

PUBLICATION REQUEST FOR PALM BEACH POST TIMES

December 22, 1988

The below Bill described by title only will be placed on second and final reading at the Regular Meeting of the City Council of the City of Riviera Beach, Florida, to be held on January 4, 1989 at City Hall, 600 West Blue Heron Blvd., at 7:30 p.m. and from time to time thereafter as may be necessary for the purpose of enactment of the following Ordinance:

ORDINANCE NO. 2408

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 CLASSIFIED POSITION OF VOLUNTEER COORDINATOR UNDER CLASS TITLE VOLUNTEER & COMMUNITY SERVICES MANDATING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

PUBLISH: December 24, 1988

slh

Gwendolyn E. Davis, CMC
City Clerk
City of Riviera Beach, Florida

ORDINANCE NO. 2409

AN ORDINANCE OF THE CITY OF RIVIERA BEACH,
PALM BEACH COUNTY, FLORIDA AMENDING ORDINANCE
NO. 2390 ADOPTING THE FISCAL YEAR 1988-89
BUDGET BY TRANSFERRING \$13,788 FROM THE
GENERAL FUND CONTINGENCY ACCOUNT ~~AND~~
AUTHORIZING THAT FUTURE BUDGET TRANSFERS MAY
BE-DONE BY RESOLUTION:

J.C.P.

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

Section 1. That Ordinance #2390 adopting the 1988-
89 Budget be amended to include the transfer of \$13,788 from
the General Fund Contingency Account #001 0203 5190 5999 to
the Planning Division Salary and Fringe Benefit Accounts.

Section-2: Except as prohibited by the City
Charter, all future Budget Amendments for the 1988-89 fiscal
year shall be by Resolution.

J.C.P.

Section 2. That this Ordinance shall be effective
upon final passage and adoption by the City Council. "This
Ordinance shall not be codified".

PASSED AND APPROVED ON first reading this 21st day of
December, 1988.

PASSED AND ADOPTED ON second and final reading this
4th day of January, 1989.

APPROVED:

Chas. K. Williams

MAYOR

[Signature]

CHAIRMAN

[Signature]

CITY CLERK

[Signature]

CHAIRMAN PRO TEM

[Signature]

[Signature]

COUNCIL MEMBER

2nd & Final Reading

1st Reading

MOTIONED BY: D. Orange
SECONDED BY: A. Fox

D. Orange aye
A. Fox aye
P. Owens aye
D. Pettway out
J. Goode aye

aye
aye
aye
aye
aye

RECORDED FOR LEGAL DEPARTMENT

J.C.P.
JAN 15 1989



CITY OF RIVIERA BEACH

600 WEST BLUE HERON BLVD • RIVIERA BEACH FLORIDA 33404

OFFICE OF
CITY CLERK

PUBLICATION REQUEST FOR PALM BEACH POST TIMES

December 22, 1988

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ORDINANCE NO. 2409

AN ORDINANCE OF THE CITY OF RIVIERA BEACH,
PALM BEACH COUNTY, FLORIDA AMENDING ORDINANCE
NO. 2390 ADOPTING THE FISCAL YEAR 1988-89
BUDGET BY TRANSFERRING \$13,788 FROM THE
GENERAL FUND CONTINGENCY ACCOUNT AND AUTHORIZING
THAT FUTURE BUDGET TRANSFERS MAY BE DONE BY
RESOLUTION.

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

PUBLISH: December 24, 1988

slh

Gwendolyn E. Davis, CMC
City Clerk
City of Riviera Beach, Florida

ORDINANCE NO. 2410

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SUB-PARAGRAPH (C) OF SECTION 2-34 OF THE CITY CODE AND THEREBY ADDING TWO ADDITIONAL CO-SIGNERS OF CITY OF RIVIERA BEACH NEGOTIABLE INSTRUMENTS (CHECKS); PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH AS FOLLOWS:

SECTION ONE

That sub-paragraph (c) of Section 2-34 of the City Code, now reading as follows:

"(c) The Finance Director shall issue all checks and drafts and co-sign as treasurer all such checks and drafts with the Mayor and in the absence or inability of the Finance Director to sign checks or drafts, the comptroller shall co-sign said checks and draft with the Mayor"

IS HEREBY AMENDED TO READ AS FOLLOWS:

"(c). The Finance Director shall issue all checks and drafts and shall co-sign all such checks and drafts. In addition to the signature of the Finance Director, the Mayor shall co-sign each check or draft. If the Mayor cannot or will not sign a check or draft, the Chairman of the City Council shall co-sign same. If both the Mayor and the Chairman cannot or will not sign a check or draft, the Chairman Pro Tem of the City Council shall co-sign same. No check or draft shall require more than two such signatures. Facsimile signatures shall be valid for all purposes as if a manual signature".

SECTION TWO

This ordinance shall be effective upon final passage.

PASSED AND APPROVED on first reading this 21st day of December, 1988.

PASSED AND ADOPTED on second and final reading this 4th day of January, ~~1988~~. 89

Signatures on Page 2.

APPROVED:

Clara K. Williams
MAYOR

CHAIRMAN

Allen Fox
CHAIRMAN PRO TEM

ATTEST

Gwendolyn E. Davis
CITY CLERK

Donald Pettway

COUNCILMEMBERS

1st Reading

2nd and Final Reading

Motioned BY: A. Fox
Seconded By: D. Orange

D. Pettway
D. Orange

P. Owens aye
A. Fox aye
D. Orange aye
D. Pettway out
J. Goode nay

aye
aye
aye
aye
nay

12/6/88
TCP:jb:dm

CERTIFICATE OF PUBLICATION

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

Gwendolyn E. Davis
Gwendolyn Davis, City Clerk

[Signature]
12-9-88