

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA ACCEPTING A STATE OF FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM GRANT IN THE AMOUNT OF \$16,892 AND SETTING UP A BUDGET FOR THIS PROGRAM.

WHEREAS, the State of Florida has notified us that our grant application in the amount of \$16,892 has been approved.

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

SECTION 1. That a budget be established as follows:

Revenue

111334515 State Food Grant \$16,892

Expenditures

11112325203406 Contract Services \$16,892

SECTION 2. This Ordinance shall be effective upon final passage and shall not be codified.

PASSED AND ADOPTED at first reading this 17th day of May, 1989.

PASSED AND APPROVED on second and final reading this 7th day of June, 1989.

APPROVED:

Alan K. Williams
MAYOR

Christell B. Wood
CHAIRMAN
CHAIR PRO TEM

ATTEST:

Dorothy E. Davis

Allen Fox

James "Bucky" J. Lane
COUNCIL MEMBERS

MOTIONED BY: J. McGann

J. McGann

SECONDED BY: A. Fox

A. Fox

J. GOODE aye

absent

J. MCGANN aye

aye

E. WADE aye

aye

J. CUNNINGHAM aye

aye

A. FOX aye

aye

ENDORSED FOR LEGAL SUFFICIENCY
J.C.P.
CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 5-11-89

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 UNCLASSIFIED POSITION OF CITY PLANNER PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 2-100 of 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 position of "City Planner" under Class Title Planning from Admin. E to Admin. F.

SECTION 2. This Ordinance shall take effect upon its final passage and adoption by City Council and shall not be codified.

PASSED AND APPROVED on first reading this 7th day of June, 1989.

PASSED AND APPROVED on second and final reading this 21st day of June, 1989.

APPROVED:

Clark K. Williams
Mayor

J. P. [Signature]
Chairperson

ATTEST:

[Signature]
City Clerk

[Signature]
Vice Chairperson

Allen Fox
[Signature]

Council Members

	1st Reading	2nd Reading
Motioned by:	<u>A. Fox</u>	<u>A. Fox</u>
Seconded by:	<u>J. McGann</u>	<u>J. McGann</u>
A. Fox	<u>aye</u>	<u>aye</u>
J. Goode	<u>absent</u>	<u>aye</u>
J. Cunningham	<u>aye</u>	<u>aye</u>
J. McGann	<u>aye</u>	<u>aye</u>
E. Wade	<u>aye</u>	<u>aye</u>

REVIEWED FOR LEGAL SUFFICIENCY
[Signature]
CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 5-30-89

ORDINANCE NO. 2443

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, REPEALING CHAPTER 13 OF THE CITY CODE, RELATING TO OFFENSES AND ENACTING A NEW CHAPTER RELATING TO OFFENSES, AND THEREBY REPEALING SEVERAL OUTDATED SECTIONS OF THE EXISTING CHAPTER 13; PROVIDING AN EFFECTIVE DATE.

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

SECTION ONE

That the now existing Chapter 13 of the Code of Ordinances of the City of Riviera Beach IS HEREBY REPEALED.

SECTION TWO

That a new Chapter 13 of the Code of Ordinances of the City of Riviera Beach, consisting of Section 13-1 through 13-25 inclusive, reading as follows, IS HEREBY ENACTED.

"Chapter 13
OFFENSES

Sec. 13-1. Misdemeanors, penalty.

(a) It shall be unlawful to commit, within the city limits, any acts which are or shall be recognized by the laws of the state as a misdemeanor and the commission of such act, or acts are hereby forbidden.

(b) A fine not more than five hundred dollars (\$500.00) or a term of imprisonment not in excess of sixty (60) days, or both such fine and imprisonment, shall constitute the maximum penalty which may be imposed upon any person who shall be adjudged to have violated any section of this chapter. This section shall not conflict with a provision for penalties imposed for any offense under the laws of the state and to the extent of any conflict, the state penalty shall control.

(c) In any case where an accused has been found to have any municipal offense within this chapter, with the exception of section 13-22 or section 13-23, there shall be, in addition to any fine levied, a penalty in the amount of Twenty-five (\$25.00) Dollars, per case, which shall be non-suspendable, which shall be paid into the Police Department's Crime Prevention Fund. The fact that this penalty is imposed on each case shall not in any way reduce the obligation of the accused to pay the fine prescribed by the court, but the total fine per charge inclusive of the crime prevention fund fine shall not exceed five hundred dollars (\$500.00).

Sec. 13-2. Destruction of property - municipality.

It shall be unlawful for any person to injure, destroy, damage, or deface any building, vehicle,

or any other tangible property belonging to, used by, or in the possession or custody of the municipality, or any of its officers or employees.

Sec. 13-3. Same - Plants, trees, etc.

It shall be unlawful for any person to cut down, injure, or destroy any tree, plant, shrub, vine or flower, not his own, or to injuriously sever from the land of another any product thereof, or anything attached thereto.

Sec. 13-4. Same - Public and Private establishments.

It shall be unlawful for any person to destroy, deface, mar, or injure any dwelling, house, school, church, or other building, or any fence, wall, or appurtenances of such, or other property belonging to or connected thereto.

Sec. 13-5. Disorderly Conduct - Assault, disturbing the peace, etc..

A person shall be guilty of the offense of disorderly conduct if that person:

- (a) commits such acts as are of a nature to corrupt the public morals; or,
- (b) commits or engages in such acts that outrage the sense of public decency; or,
- (c) commits an assault of any kind upon another person; or
- (d) commits a battery upon the person of another; or
- (e) engages in such acts or behavior that affects the peace and quiet of persons who may witness them; or,
- (f) engages in brawling or fighting.

Sec. 13-6. Drug; abuse of controlled substances.

(a) It shall be unlawful for any person in this city to be under the influence of any substance controlled under Chapter 893 of the Florida Statutes, in a public place or upon the grounds of a public place, in or upon any public conveyance, in or upon the grounds of any business establishment, vacant, or abandoned property.

(b) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia, as defined under Chapter 893, Florida Statutes, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this section.

(c) It is unlawful for any person to sell or deliver, possess with intent to sell or

manufacture with intent to sell, drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this section.

Sec. 13-7. Consumption of alcoholic beverages in public places.

It shall be unlawful for any person to drink or consume any alcoholic beverage on any public street, in any public park, in or upon any public conveyance, vacant or abandoned property, the parking lot of any business establishment, or in any public place, unless the location of such consumption is licensed for sale of alcoholic beverages in accordance with state law.

Sec. 13-8. Fireworks and explosives - Sale prohibited.

It shall be unlawful for any person to sell or explode fireworks, roman candles, skyrockets, or any other explosive of any nature whatsoever (usually known as fireworks) within the municipality.

Sec. 13-9. Same - Discharging or exploding.

It shall be unlawful for any person other than a authorized officer in the line of duty to discharge a gun, pistol, or other firearm within the municipality.

Sec. 13-10. Gambling - Cards, dice, money wagers.

It shall be unlawful for any person to play or engage in any game of cards, keno, roulette, faro, or other game of chance, at any place, by any device whatsoever, for money or other thing of value whereby any player can acquire more than the cost paid by any player to engage in any such game of chance.

Sec. 13-11. Larceny and Retail theft.

It shall be unlawful for any person to carry away any merchandise, money, or negotiable documents; to alter or remove a label or price tag; transfer merchandise from one container to another; or remove the property of another, with the intent to deprive the owner thereof of possession, use, benefit, or full retail value.

Sec. 13-12. Obtaining food or lodging with intent to defraud.

It shall be unlawful for any person to obtain food, lodging, or other accommodations having any value at any food service establishment, or at any lodging, with intent not to pay the full price thereof.

Sec. 13-13. Loitering or prowling.

It shall be unlawful for any person to loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity. Any such person who, when questioned by a police officer, fails to give a legitimate reason for his presence and conduct sufficient to dispel any alarm or immediate concern shall be deemed in violation of this section.

Sec. 13-14. Trespass - In structure or conveyance.

It shall be unlawful for any person without being authorized, licensed, or invited, to enter or remain in any structure or conveyance; or having been authorized, licensed, or invited, is ordered by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to leave, but refuses to leave, shall be guilty of committing the violation of trespass in a structure or conveyance.

Sec. 13-15. Trespass - on property other than structure or conveyance.

It shall be unlawful for any person, without being authorized, licensed or invited, to enter upon or remain on any property other than a structure or conveyance as to which notice against entering or remaining is given, either by actual communication to the offender (or by posting or fencing) shall be guilty of committing the offense of trespass on property other than a structure or conveyance.

Sec. 13-16. Peace officers - Resisting officer with violence.

It shall be unlawful for any person to knowingly and wilfully resist, obstruct or oppose any sheriff, deputy sheriff, constable, police officer or other person legally authorized in the execution of legal process or in the lawful execution of any legal duty by offering or doing violence to the person of such officer, or such legally authorized person.

Sec. 13-17. Same - Resisting officer without doing violence to his person.

It shall be unlawful for any person to obstruct or oppose any sheriff, deputy sheriff, constable, police officer, or other legally authorized person, in the execution of legal process or in the lawful execution of any legal duty, without offering or doing violence to the person of such officer, or such legally authorized person.

Sec. 13-18. Prostitution; soliciting, frequenting disorderly houses for such purpose.

It shall be unlawful for any person to loiter in or near any thoroughfare or public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or

procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: That such person is a known prostitute or panderer who repeatedly stops or attempts to stop, or repeatedly engages male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms, or any other bodily gesture. The violator's conduct must be such as to demonstrate in the presence of the arresting officer a specific intent to induce, entice, solicit or procure another to commit an act of prostitution. No arrest shall be made for a violation of this section unless the arresting officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose. As used in this section:

- (1) **Public place** includes public streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and buildings open to the general public, including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.
- (2) **Known prostitute or panderer** means a person who within one year previous to the date of arrest for violation of this section has, within the knowledge of the arresting officer, been convicted of the offense of prostitution.

Sec. 13-19. Public passage; obstruction; penalty.

(a) It shall be unlawful for any person to wilfully obstruct, barricade, interfere with, impede, hinder, stifle, retard, restrain, block or otherwise prevent the normal, free, convenient and lawful use of any public passageway. Public passageway, as contemplated herein, is defined as all public streets, sidewalks, highways, bridges, alleys, parks, roads or other passageways, or the entrances, corridors or passageways of any public buildings, or public rights-of-way and public places.

Sec. 13-20. Streets and sidewalks, carrying on business or trade thereon.

It shall be unlawful for any individual, in or upon any part of any public street or sidewalk in the municipality, to personally conduct any trade or business without a permit from the city to do so at that time and location.

Sec. 13-21. Skateboarding - Restricted Areas.

It shall be unlawful for any person within the city to skateboard on any public sidewalk, areas of pedestrian traffic, or within the following zoning districts: CG, CM, IL, IG, U, OP and CN (Commercial districts only).

Sec. 13-22. "Surf", "apple", "skip boards" prohibited in certain areas; enforcement; penalty.

(a) **Definitions.** The following words and phrases, when used in this section shall for the purpose of this section have the following meanings, except where the context clearly indicates a different meaning:

Apple, skip, skid, or skiff board shall mean any instrument made of any material used as a means for riding or skidding a person along the shallow water, or water's edge, at a beach or park.

Beach or beaches shall mean (1) the Riviera Beach Municipal Beach and (2) Phil Foster Park on both sides of the Blue Heron Causeway.

Person shall mean any male, female, minor or adult.

Peace officer shall include all regular or auxiliary, special or temporary policemen, and also any lifeguard at any beach.

Surf board shall mean any instrument made of any material used by any person as a means for riding waves in the Atlantic Ocean or Lake Worth; air mattresses are excepted.

User shall mean the person in whose possession the skiff or surf board may be at the time of its use.

(b) **Apple, skid boards, etc., prohibited areas; penalty.**

It shall be unlawful for any person to use at any time any apple or skid board on any part of the Riviera Municipal Beach and/or Phil Foster Park, or to ride or skid along in the water's edge thereof, by the use of such apple or skid board.

(c) **Surf board prohibited areas, penalty.**

It shall be unlawful for any person to use, at any time, a surf board on any part of the Riviera Municipal Beach and/or Phil Foster Park, or to use same in the waters of the Atlantic Ocean, or in the waters of Lake Worth, at such Beach or Phil Foster Park.

Sec. 13-23. Landing, etc., aircraft, parachuting or skydiving in city limits.

(a) **Aircraft defined.** The term "aircraft" as used in this section means any airplane, gas bag, flying machine, balloon, helicopter, glider, any contrivance known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance used exclusively as safety equipment.

(b) **Prohibited; exception.** Except in case of emergency, police or other governmental agencies, no person shall land any aircraft, nor parachute or skydive, within the corporate limits of the city.

Sec. 13-24. 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.

Sec. 13-25. Disturbing City Council meetings or workshops, or meetings or workshops of any other meeting.

It shall be unlawful for any person to disturb any workshop or meeting of the city council or any other workshop or meeting of any other board, commission, or committee of city officers, employees, or citizens conducting any business on city property. Such disturbance consists of obscene or profane language spoken aloud, or any physical violence or any threat of physical violence, or other repeated loud or boisterous behavior, which the presiding officer (or a majority of the Council, board, commission, or committee) determine is intended as an illegal disruption. If such illegal disruption is found to exist by the Chair or a majority of the Board, the Chair (or a majority of the body) may order such conduct to cease immediately. Failure to comply with such order (to the violator or to all persons present) will be a violation of this section. Each and every person who fails to strictly heed such warning immediately may be ejected from the meeting place for the duration of the meeting or for such lesser time as the presiding officer or a majority of the body, may specify. Any decision of the presiding officer may be appealed to the deliberative body as any other decision of the Chair under the rules of procedure that apply to the particular meeting.

SECTION THREE

This Ordinance shall take effect immediately upon final passage by the City Council.

PASSED and APPROVED on first reading this 21st day of June, 1989.

PASSED and ADOPTED after public hearing this 5 day of July, 1989.

APPROVED:

Clara K. Williams
MAYOR

Christeth S. Wood
CHAIRMAN

(MUNICIPAL SEAL)

Allen Fox
CHAIRPERSON PRO TEM

Carrie E. Hard
Acting CITY CLERK

COUNCIL

	1st Reading	2nd & Final Reading
Motioned by:	<u>J. McGann</u>	<u>A. Fox</u>
Seconded by:	<u>A. Fox</u>	<u>J. McGann</u>
J. Goode	<u>aye</u>	<u>aye</u>
E. Wade	<u>aye</u>	<u>aye</u>
J. McGann	<u>aye</u>	<u>aye</u>
J. Cunningham	<u>aye</u>	<u>aye</u>
A. Fox	<u>aye</u>	<u>aye</u>

RH/dm
3.30./4.3./
4.4./5.30./
5.31/6.12.89

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.

Carrie E. Hard Acting
Gwendolyn E. Davis, City Clerk

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING ORDINANCE NO. 2390 ADOPTING THE FISCAL YEAR 1988-89 BUDGET BY ESTABLISHING A 4602 ACCOUNT UNDER ACCOUNT NO. 150-0000-5210 SPECIAL LAW ENFORCEMENT IN THE AMOUNT OF \$10,000 FOR THE PURPOSE OF RENOVATING OLD CITY HALL FOR RELOCATION OF RECORDS STORAGE FROM THE POLICE DEPARTMENT TO APPROPRIATE NECESSARY SPACE FOR COMMUNICATIONS SYSTEM; PROVIDING AN EFFECTIVE DATE.

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

Section 1. That Ordinance No. 2390 adopting the Fiscal Year 1988-89 Budget be amended by establishing a 4602 account under Account No. 150-0000-5210 Special Law Enforcement in the amount of \$10,000 for the purpose of renovating Old City Hall for relocation of storage from Police Department to appropriate necessary space for communications system.

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

PASSED AND APPROVED ON first reading this 5th day of July, 1989.

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

APPROVED:

[Signature]
MAYOR

[Signature]
CHAIRMAN JAMES J. GOODE, III

ATTEST
[Signature]
CITY CLERK
Acting

[Signature]
CHAIRMAN PRO TEM E. WADE

[Signature]

[Signature]
COUNCIL MEMBERS

1st Reading

2nd and Final Reading

MOTIONED BY: A. Fox
SECONDED BY: E. Wade

MOTIONED BY: J. McGann
SECONDED BY: A. Fox

A. FOX aye
J. CUNNINGHAM aye
E. WADE aye
J. GOODE aye
J. MCGANN aye

A. FOX aye
J. CUNNINGHAM aye
E. WADE aye
J. GOODE aye
J. MCGANN aye

ORDINANCE NO. 2445

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING PARAGRAPH 2 AND 3 OF SECTION 2-118 OF THE CODE OF ORDINANCES AND THEREBY TRANSFERRING THE POSITION OF "DIRECTOR OF PARKS AND RECREATION" PREVIOUSLY A POSITION APPOINTED BY THE CITY COUNCIL TO BE APPOINTED BY THE CITY MANAGER; PROVIDING AN EFFECTIVE DATE.

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

SECTION ONE

That paragraph (2) of Section 2-118 of Division 3 of Article VI of Chapter 2 is HEREBY AMENDED TO READ AS FOLLOWS:

"(2) Subject to the City Charter, the following positions shall be appointed by the City Council and shall serve at the pleasure of the City Council: City Manager, Chief of Police, City Clerk, Director of Finance, City Attorney, Legislative Aide, and Administrative Secretary to the City Council."

SECTION TWO

That paragraph (3) Section 2-118 of Division 3 of Article VI of Chapter 2 of the Code of Ordinances, IS HEREBY AMENDED TO READ AS FOLLOWS:

"(3) The following positions shall be appointed by the City Manager, subject to approval by the City Council: Fire Chief, Assistant Chief of Police, Deputy City Manager, Assistant to the City Manager, Director of Personnel/Labor Relations, Building Official, Administrative Assistant to Building Official, Assistant finance Director, City Engineer, Supervisor of Utility Billing and Collection, Director of Volunteer and Community Services, Director of Community Development and Environmental Control, Administrative Assistant to the Director of Utilities, Code Administrator, Library Director, Purchasing Director, Director of Public Works, Administrative Assistant to Director of Public Works, Economic Development Officer, and Director of Parks and Recreation."

SECTION THREE

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

PASSED and APPROVED on first reading this 5th
day of July, 1989.

PASSED and ADOPTED on second and final reading this _____
19th day of July, 1989.

APPROVED

Alan K. Williams
MAYOR

J. Wade
CHAIRMAN
Christell K. Ward
CHAIRPERSON PRO TEM

(MUNICIPAL SEAL)

ATTEST:

Acting
Carrie E. Hard
CITY CLERK *EMC*

Allen Fox
James C. McGann

Motioned By: J. McGann
Seconded By: E. Wade

2nd and Final Reading
E. Wade
J. Cunningham

J. Goode	<u>aye</u>	<u>aye</u>
E. Wade	<u>aye</u>	<u>aye</u>
J. Cunningham	<u>aye</u>	<u>aye</u>
J. McGann	<u>aye</u>	<u>aye</u>
A. Fox	<u>aye</u>	<u>aye</u>

TCP/dm
6.22.89

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.

Carrie E. Hard
Gwendolyn E. Davis

ORDINANCE NO. 2446

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SUBPARAGRAPH (F) OF SECTION 4-4 OF THE CODE OF ORDINANCES AND THEREBY PROHIBITING BARS, PUBS, AND LOUNGES TO BE OPEN TO THE PUBLIC DURING THE HOURS THAT SUCH ESTABLISHMENTS ARE NOT PERMITTED TO SELL ANY ALCOHOLIC BEVERAGES; PROVIDING AN EFFECTIVE DATE.

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

SECTION ONE

That subparagraph (f) of Section 4-4 of the Code of Ordinances of the City is HEREBY AMENDED TO READ AS FOLLOWS:

"(f) Anything in this Chapter to the contrary notwithstanding, it shall be unlawful for any person to sell, serve, or consume, or to permit the sale, service, or consumption of any intoxicating liquor or intoxicating beverage, beer, ale, or wine in any place holding a license to sell same from the State of Florida, or in any other public place within the city, and it shall be unlawful for any person to purchase, receive or consume any such liquor, beverage, beer, ale, or wine from any such place:

(1) Between the hours of 2:00 a.m. and 7:00 a.m. on Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays that are not a National Holiday, except January 1st of each year.

(2) Between the hours of 3:00 a.m. and 7:00 a.m. on Fridays, Saturdays, and any national holiday except January 1st.

(3) Between the hours of 5:00 a.m. and 7:00 a.m. on the 1st of January.

Further, it shall be unlawful for any pub, lounge, bar, and any food service establishment on the same building or on the same lot or parcel of land to be open to any members of the public during a such prohibited hours. It shall also be unlawful for any person to loiter, or congregate on part of the real property owned, leased otherwise controlled outside of any establishment at any time."

SECTION TWO

This Ordinance shall be effective upon filing with the City Council.

PASSED and APPROVED on first reading
day of July, 1989.

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g
re

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE CITY COUNCIL TO ACCEPT ADDITIONAL FUNDING IN THE AMOUNT OF \$2,000 FROM THE UNITED WAY EMERGENCY FOOD AND SHELTER GRANT; AND ALSO AUTHORIZING THE FINANCE DIRECTOR TO INCREASE THE BUDGET BY THE SAME AMOUNT.

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

Section 1: That the City Council accept additional funding in the amount of \$2,000 from the United Way Emergency Food and Shelter Grant;

Section 2: That the Finance Director is hereby authorized to increase the budget for the United Way Emergency Food and Shelter Grant in the same amount as follows:

REVENUE

117366903 United Way Grant \$2,000.

EXPENDITURES

117161856908305 Utilities \$2,000.

Section 3: This Ordinance shall be effective upon final passage and shall not be codified.

PASSED and ADOPTED this First Reading this 2nd day of August, 1989.

PASSED and ADOPTED this Final Reading this 16th day of August, 1989.

APPROVED:

Chas. K. Williams
MAYOR

[Signature]
CHAIRMAN

ATTEST:

[Signature]
CITY CLERK

[Signature]
CHAIRMAN PRO-TEM

MOTIONED BY: A. Fox

SECONDED BY: J. McGann

- J. Goode aye
- E. Wade aye
- A. Fox aye
- J. McGann aye
- J. Cunningham aye

Allen Fox

[Signature]

REVIEWED FOR LEGAL SUFFICIENCY

[Signature]

CITY ATTORNEY

CITY OF RIVIERA BEACH

DATE: 2-25-89

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADDING A NEW SUB-PARAGRAPH (D) TO SECTION 13-53 OF THE CODE OF ORDINANCE OF THE CITY OF RIVIERA BEACH AND THEREBY REQUIRING THAT ANY HOUSEBOAT DOCKED OR MOORED WITHIN THE CITY LIMITS MUST BE CAPABLE OF SELF LOCOMOTION AND STEERING UNDER ITS OWN POWER; ALSO PROVIDING THAT NO HOUSE BOAT MAY BE DOCKED OR MOORED ADJACENT TO ANY REAL PROPERTY IF THE HEIGHT OF THE HOUSEBOAT EXCEEDS THE MAXIMUM HEIGHT OF THE BUILDINGS ALLOWED ON THE ADJACENT REAL PROPERTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in times of severly inclement weather, particularly when winds reach hurricane speeds, it is important that boats that are residences or persons be able to immediately move from their normal mooring places to places of shelter from high winds and strong wave action; and

WHEREAS, a houseboat that is not capable of continuous self-locomotion and direction control cannot be moved immediately to a place of safe shelter; and

WHEREAS, the City of Riviera Beach desires to prevent damage to such houseboats and the piers and docks where they are moored and, therefore, this ordinance is necessary to protect life and property in these situations; and

WHEREAS, the City of Riviera Beach has various height restrictions in all zoning districts that limit the height of all buildings; and

WHEREAS, it is in the interests of the land owners and occupants of all zoning districts that boats moored adjacent to any zoning district not be allowed to exceed the height of the maximum building height allowed in the respective zoning district, excepting masts of boats or ships, and excepting duly licensed commercial vessels or boats owned by any government;

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

SECTION ONE

That a new sub-paragraph (d) is hereby added to Section 13-53 of the Code of Ordinances of the City of Riviera Beach, reading as follows IS HEREBY ENACTED:

"(d) All Houseboats docked or moored within the City limits shall be continuously capable of self locomotion and direction control by their own means and shall not require the assistance of any other vessel to move about on waters or for steering or direction control. No boat except a boat owned by any government or a duly licensed commercial vessel shall exceed the height of allowed buildings on the land adjacent to the boat's place of docking or mooring, exclusive of masts."

SECTION TWO

This ordinance shall be effective upon final passage by the

the City Council.

PASSED and APPROVED on first reading this 16th day of
August, 1989.

PASSED and ADOPTED on second and final reading this 6th day
of September, 1989

APPROVED:

Clara K. Williams
MAYOR

[MUNICIPAL SEAL]

Attest:

Dorothy C. Davis
CITY CLERK

J. McGann
CHAIRMAN

Christell K. White
PRO TEM

Allen F. D.

James C. D. L.
COUNCIL MEMBERS

	1st Reading
Motioned by:	<u>J. McGann</u>
Seconded by:	<u>A. Fox</u>
J. Goode	<u>aye</u>
E. Wade	<u>aye</u>
J. McGann	<u>aye</u>
J. Cunningham	<u>aye</u>
A. Fox	<u>aye</u>

2nd & Final Reading
<u>J. McGann</u>
<u>E. Wade</u>

<u>aye</u>

CERTIFICATION OF PUBLICATION

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

City Clerk

ORDINANCE NO. 2450

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA SETTING UP A BUDGET WITH THE DONATED SPECIAL PROJECTS FUND FOR THE 1989 MAYOR'S CUP GOLF TOURNAMENT.

WHEREAS, funds for this project will be raised through fees and donations; and

WHEREAS, the net proceeds from this project will be used toward the Junior Golf Program of Riviera beach.

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

SECTION 1. That the Finance Director is hereby authorized to set up the following budget within fund 130:

REVENUE

130-366-900 Fees and charges \$9,900.00

EXPENDITURES

130-1232-5720-5507 Professional Services - other \$9,900.00

SECTION 2. This Ordinance shall be effective upon final passage and shall not be codified.

PASSED AND ADOPTED at first reading this 16th day of August, 1989.

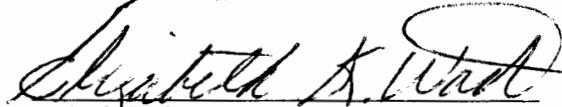
PASSED AND ADOPTED on second and final reading this 6th day of September, 1989.

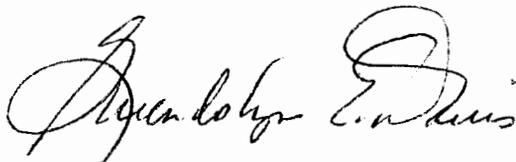
APPROVED:

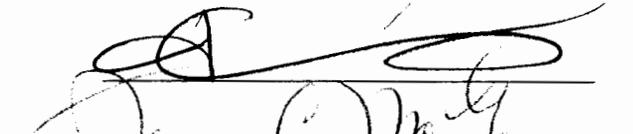

MAYOR


CHAIRMAN

ATTEST:


CHAIR PRO TEM





COUNCIL MEMBERS

MOTIONED BY: E. Wade

J. McGann

SECONDED BY: A. Fox

J. Cunningham

J. GOODE aye

aye

E. WADE aye

aye

A. FOX aye

aye

J. MCGANN aye

aye

J. CUNNINGHAM aye

aye

ORDINANCE NO. 2451

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE III OF THE CITY OF RIVIERA BEACH CODE OF ORDINANCES BY ADDING A NEW SECTION 16-32 RELATING TO CERTAIN DISCOUNTED FEE PAYMENTS FOR ANNUAL WET SLIP LEASES, AND DISCOUNTED FUEL PURCHASES, PROVIDING AN EFFECTIVE DATE.

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

SECTION 1.

That a new Section 16-32 of the Code of Ordinances of Riviera Beach related to discounted fee payments and certain discounted fuel purchases is HEREBY ADDED to read as follows:

"Section 16.32. CERTAIN DISCOUNTS AVAILABLE

- (a) Any person who enters into a prepaid annual wet slip lease at the City Marina shall receive a ten percent (10%) discount against the then established annual rental fee.
- (b) Any person who has a month-to-month or annual wet slip lease at the City Marina shall receive a ten percent (10%) discount off the then prevailing retail sales price on fuel purchased at the Marina for each month that the person purchases 500 gallons or more of fuel in any given month. A month shall be from the first day of the month to the end of the month only."

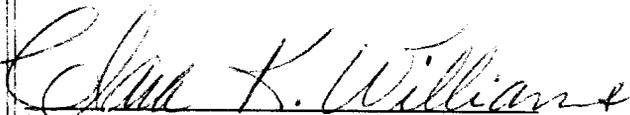
SECTION 2.

That this Ordinance shall take effect immediately upon passage by the City Council.

PASSED and APPROVED on first reading this 16th day of August, 1989.

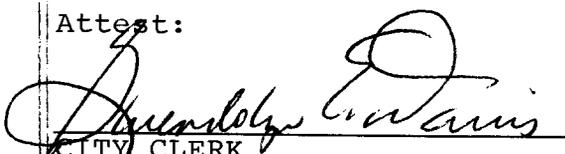
PASSED and ADOPTED on second and final reading this 6th day of September, 1989.

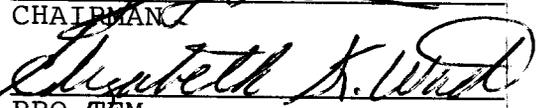
APPROVED:

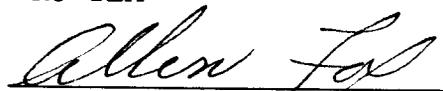

MAYOR

[MUNICIPAL SEAL]

Attest:


CITY CLERK


CHAIRMAN

PRO TEM




COUNCIL MEMBERS

	1st Reading	Second & Final Reading
Motioned by:	<u>A. Fox</u>	<u>J. McGann</u>
Seconded by:	<u>J. Cunningham</u>	<u>E. Wade</u>
J. Goode	<u>aye</u>	<u>aye</u>
E. Wade	<u>aye</u>	<u>aye</u>
J. Cunningham	<u>aye</u>	<u>aye</u>
A. Fox	<u>aye</u>	<u>aye</u>
J. McGann	<u>aye</u>	<u>aye</u>

REVIEWED FOR LEGAL SUFFICIENCY

J. C. R.

CITY ATTORNEY
CITY OF DIMERA BEACH

DATE: 8-4-89

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 RELATING TO RATES OF PAY AND SALARY OF FIRE EMPLOYEES REPRESENTED BY THE RIVIERA BEACH ASSOCIATION OF FIREFIGHTERS BARGAINING AGREEMENT; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 2-100 of 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 increasing the salary of certain fire employees represented by the Riviera Beach Association of Firefighters Bargaining Agreement as follows:

(A) For the 1988-89 contract year, the Employer will adjust the individual employee's 1987/88 wages by three percent (3%), effective October 1, 1988. The merit pay system will be postponed for the 1988/89 fiscal year.

(B) For the 1989/90 contract year, the Employer will adjust the individual employee's wages by four percent (4%), effective October 1, 1989. Employees who received a satisfactory or better evaluation will receive an additional five percent (5%) wage adjustment.

(C) For the 1990/91 contract year, the Employer will adjust the individual employee's wages by four percent (4%), effective October 1, 1990. Employees who receive a satisfactory or better evaluation will receive an additional five percent (5%) wage adjustment.

(D) In order for employees to receive the five percent (5%) wage adjustment, they must fall within the established salary range for their position. The five percent (5%) will be given on the anniversary date of the employee.

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

PASSED AND APPROVED on first reading this 16th day of August, 1989.

PASSED AND ADOPTED on second and final reading this 6th day of September, 1989.

SIGNATURES ON NEXT PAGE.....

ORDINANCE NO. 2452

APPROVED:

Clara K. Williams
MAYOR

[Signature]
CHAIRPERSON

ATTEST:

[Signature]
CITY CLERK

[Signature]
VICE CHAIRPERSON

Allen FD
[Signature]
COUNCIL MEMBERS

1st Reading

2nd Reading

Motioned by: J. McGann

E. Wade

Seconded by: E. Wade

J. McGann

J. Goode aye

E. Wade aye

A. Fox aye

J. McGann aye

J. Cunningham aye

7.6.19
8-8-19

ORDINANCE NO. 2453

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 AQUATICS SUPERVISOR UNDER CLASS TITLE PARKS & RECREATION; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 2-100 of 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 classified position of Aquatics Supervisor as follows:

<u>CLASS TITLE</u>	<u>CLASSIFICATION</u>	<u>PAY GRADE</u>	<u>SALARY</u>
Parks & Recreation	Aquatics Supervisor	G-27	\$18,415-28,788

SECTION 2. This Ordinance shall take effect upon its final passage and adoption by the City Council and shall not be codified.

PASSED AND APPROVED on first reading this 16th day of August, 1989.

PASSED AND ADOPTED on second and final reading this 6th day of September, 1989.

APPROVED:

Clark K. Williams
MAYOR

[Signature]
CHAIRPERSON

Christell K. Wood
CHAIRPERSON PRO TEM

ATTEST:

[Signature]
CITY CLERK

Allen Foy
James C. McTear
Council Members

1st Reading

Motioned by: A. Fox
Seconded by: J. Cunningham

J. Goode: aye
E. Wade aye
A. Fox aye
B. McCann aye
J. Cunningham aye

2nd Reading

E. Wade
J. McCann
aye
aye
aye
aye

RENEWED FOR LEGAL...
CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 7-11-89

ORDINANCE NO. 2455

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 REGRADING CERTAIN CLASSIFIED POSITIONS UNDER CLASS TITLE FINANCE AND ACCOUNTING; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 2-100 of 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 certain classified positions under class title Finance and Accounting as follows:

<u>CLASSIFICATION</u>	<u>RANGE/PAYGRADE</u>	
	<u>From</u>	<u>To</u>
Accountant I	G-28 \$19,298-30,185	G-30 21,204-33,201
Accounting Clerk II	G-19 \$14,591-22,745	G-20 14,932-23,285
Cashier	G-15 \$13,308-20,715	G-18 14,259-22,218
Computer Operator	G-21 \$15,282-23,836	G-22 15,641-24,403
EDP Control Clerk II	G-14 \$13,005-20,239	G-18 14,259-22,218
Data Processing Manager	G-31 \$22,231-34,885	G-33 24,440-38,315
Payroll Technician	G-23 \$16,008-24,984	G-24 16,385-25,580
Utility Billing Clerk I	G-17 \$13,932-21,706	G-18 14,259-22,218
Utility Billing Clerk II	G-19 \$14,591-22,745	G-20 14,932-23,285
Utility Billing Clerk III	G-21 \$15,282-23,836	G-22 15,641-24,403

SECTION 2. That the regrades shall become effective upon approval by the City Council.

SECTION 3. This Ordinance shall take effect upon its final passage and adoption by the City Council. This Ordinance shall not be codified.

PASSED AND APPROVED on first reading the 16th day of August, 1989

PASSED AND ADOPTED on second and final reading this 6th day of
September, 1989.

APPROVED:

Law K. Williams
MAYOR

[Signature]
CHAIRPERSON

Herbert K. Wade
VICE CHAIRPERSON

ATTEST:

[Signature]
City Clerk

Allen Fox
[Signature]
Council Members

1st Reading

2nd Reading

Motioned by: J. McGann

Seconded by: A. Wade

J. Goode aye

E. Wade aye

A. Fox aye

J. McGann aye

J. Cunningham aye

E. Wade

J. McGann

aye

aye

aye

aye

aye

J.C. [Signature]

7-10-89

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, 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 REGRADING CERTAIN UNCLASSIFIED POSITIONS UNDER TITLES; DIRECTOR OF FINANCE, DIRECTOR OF COMMUNITY DEVELOPMENT AND ENVIRONMENTAL CONTROL; AND CITY CLERK; PROVIDING AN EFFECTIVE DATE.

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

Section 1 That Section 2-100 of 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 certain unclassified positions under title, Director of Finance, Director of Community Development and Environmental Control. and City Clerk, as follows:

<u>CLASSIFICATION</u>	<u>RANGE/SALARY SCHEDULE</u>	
	<u>FROM</u>	<u>TO</u>
DIRECTOR OF FINANCE	"H" \$42,278- 56,261	"I" \$49,769- 64,700
DIRECTOR OF CDEC	"H" \$42,278- 56,261	"I" \$49,769- 64,700
CITY CLERK	"F" \$32,723- 42,540	"G" \$37,632- 48,922

Section 2 That the regrades shall become effective October 1, 1989 upon approval by the City Council.

Section 3 This Ordinance shall take effect upon October 1, 1989 after final passage and adoption by the City Council. This Ordinance shall not be codified.

PASSED AND APPROVED on First Reading this 16th day of August, 1989.

PASSED AND ADOPTED on Second Reading this 6th day of September, 1989.

APPROVED:

Charles K. Williams
MAYOR

Tom Fox
CHAIRMAN

(MUNICIPAL SEAL)

Ernest R. Wade
CHAIR PRO TEM

Allen Fox

ATTEST:

Dorothy E. Davis
CITY CLERK

James C. McGann
COUNCILMEMBERS

1st. Reading

2nd. & Final Reading

MOTIONED BY: J. McGann

E. Wade

SECONDED BY: E. Wade

J. McGann

J. GOODE aye
E. WADE aye
A. FOX aye
J. CUNNINGHAM aye
J. McGANN aye

aye
aye
aye
aye
aye

J.C.M.
8-11-89

ORDINANCE NO. 2457

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, FIXING THE ADJUSTED TAX VALUATION OF REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY; LEVYING A TAX ON REAL PROPERTY AND TANGIBLE BUSINESS PERSONAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY, FOR FISCAL YEAR BEGINNING OCTOBER 1, 1989 AND ENDING SEPTEMBER 30, 1990; FIXING THE MILLAGE RATE THEREON FOR SAID YEAR; CONTINUING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That for the fiscal year beginning October 1, 1989 and ending September 30, 1990, the adjusted valuation on all real property and tangible business personal property within the City of Riviera Beach is hereby determined to be and is fixed as follows:

(a) Real Property and Tangible Business Personal Property on which tax can be extended, exclusive of homestead property, \$1,292,435,434.

***Subject to final approval of the County Equalization Board.**

SECTION 2. For the fiscal year beginning October 1, 1989 and ending September 30, 1990, a tax of eight point seventy-five (8.75) mills on the dollar shall be, and is levied and shall be collected on all real property and tangible business personal property within the City of Riviera Beach, Florida, not specifically designed as homestead property or owned by the municipality and/or expressly exempted by the laws of the Constitution of the State of Florida for the purpose of raising funds for the improvements and government of the City, and for the payment of its obligations and expenses, and for the purpose of carrying out the purposes and duties granted and imposed by the City Charter and Code. Said real property and tangible business personal property being specifically set forth as Item A in Section 1 hereof and valued in the amount of

\$1,292,435,434 subject to final approval of the County Equalization Board.

SECTION 3. As provided by Section 200.065 (5) Florida Statutes, upon notification from the Property Appraiser of any aggregate change in the certified assessment roll, the City Manager is hereby authorized to certify to the Property Appraiser, within three (3) days of notification, an adjusted millage rate which shall be such that taxes computed by applying the adopted rate against the certified taxable value are equal to the taxable value on the roll to be extended.

SECTION 4. The proposed millage of 8.75 represents a 8.64% increase over the rolled-back millage rate.

SECTION 5. If any section, part of section, paragraph, clause, phrase, or word of this ordinance shall be held to be unconstitutional or void, the remaining provisions of this ordinance shall nevertheless, remain in full force and effect.

SECTION 6. This ordinance shall be effective immediately upon final approval by the City Council.

PASSED and APPROVED on first reading this 6th day of September, 1989.

PASSED and ADOPTED on second and final reading this 20th day of September, 1989.

APPROVED:

[Signature]
MAYOR

[Signature]
CHAIRMAN

[Signature]
CHAIRMAN PRO TEM

(MUNICIPAL SEAL)

[Signature]

[Signature]
CITY CLERK

[Signature]
COUNCILMEMBERS

	1st Reading	2nd & Final Reading
Motioned By:	<u>E. Wade</u>	<u>E. Wade</u>
Seconded By:	<u>J. McGann</u>	<u>J. McGann</u>
J. Goode	<u>aye</u>	<u>aye</u>
E. Wade	<u>aye</u>	<u>aye</u>
J. McGann	<u>aye</u>	<u>aye</u>
J. Cunningham	<u>aye</u>	<u>aye</u>
A. Fox	<u>nay</u>	<u>aye</u>

TCP/sw
8/30/89

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. 2458

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA MAKING APPROPRIATIONS FOR FISCAL YEAR ENDING SEPTEMBER 30, 1990; CONTAINING A REPEALER PROVISION AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Manager has prepared and submitted to the City Council a Budget Estimate of the expenditures and revenues of all city departments, divisions, and offices for the fiscal year commencing October 1, 1989 and ending September 30, 1990, copies of such estimate having been made available to the newspapers in the city and to the municipal library which is open to the public; and

WHEREAS, the City Council has met in workshop sessions and held public hearings to ascertain the amount of money which must be raised to conduct the affairs of the municipality for the 1989-90 fiscal year so that the business of the municipality may be conducted on a balanced budget and on sound business principles and has also determined the amount necessary to be raised by ad valorem taxes and other taxes upon all of the property, real and personal, within the corporate limits of the City of Riviera Beach,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Riviera Beach, Florida:

SECTION 1. The following appropriations are made for the municipal operations of the City of Riviera Beach, Florida, for the fiscal year 1989-90;

DEPARTMENTS, DIVISIONS AND OFFICES

<u>GENERAL FUND</u>	<u>APPROPRIATIONS</u>
Legislative	\$ 76,711
Executive:	
Office of the City Manager	268,226
General Administration	1,348,505 1,248,545
Finance	737,756
City Clerk	292,878
Personnel	306,011
Legal	237,395
Community Development and Environmental Control	1,317,769
Police	6,895,446
Fire	3,992,608
Purchasing	188,523
Public Works	1,816,909
Recreation and Parks	1,527,761
Library	298,929
Volunteer and Community Service	<u>125,116</u>
TOTAL GENERAL FUND	\$ 19,430,543 19,380,583

ENTERPRISE FUNDS

Water and Sewer	\$ 7,766,360
Water and Sewer Renewal and Replacement	1,283,615
Water and Sewer Construction	4,866,000
Water and Sewer Debt Service	806,384

Marina	1,301,373
Marina Renewal and Replacement	107,000
Marina Debt Service	855,624
Refuse	<u>4,467,174</u>
TOTAL ENTERPRISE FUNDS	\$ <u>21,453,530</u>

OTHER FUNDS

Excise Tax	\$ 3,444,000
Sales Tax	1,450,000
Advance Police Training	12,000
Public Improvement Bond Debt Service	698,427
Public Improvement Bond Debt Service Reserve	50,000
Paving and Drainage Construction	128,000
Street Renewal and Replacement	115,000
Salary Continuation	8,000
Liability Insurance Trust	2,696,092
Health Insurance	1,024,670
Paving & Drainage Assessment	<u>20,000</u>
TOTAL OTHER FUNDS	\$ <u>9,646,189</u>

SECTION 2. The above appropriations are made based on the following anticipated sources of revenue for 1989-90 fiscal year:

<u>GENERAL FUND</u>	<u>REVENUE</u>
Taxes	\$ 11,333,370
Franchise Fees	507,400
Other Fees, Licenses and Permits	319,000
Grants and other Government Shared Revenues	99,405
Fines and Forfeitures	182,000
Rents and Leases	59,700
Other Revenues	334,000
Interfund Transfers	5,735,668 5,685,708
Non-Revenues	<u>860,000</u>
TOTAL GENERAL FUND	\$ 19,430,543 19,380,583

ENTERPRISE FUNDS

Water and Sewer	\$ 7,766,360
Water and Sewer Renewal and Replacement	1,283,615
Water and Sewer Constructions	4,866,000
Water and Sewer Debt Service	806,384
Marina	1,301,373
Marina Renewal and Replacement	107,000
Marina Debt Service	855,624
Refuse	<u>4,467,174</u>
TOTAL ENTERPRISE FUNDS	\$ <u>21,453,530</u>

OTHER FUNDS

Excise Tax	\$ 3,444,000
Sales Tax	1,450,000
Advance Police Training	12,000
Public Improvement Bond Debt Service	698,427

Public Improvement Bond Debt	
Service Reserve	50,000
Paving and Drainage Construction	128,000
Street Renewal and Replacement	115,000
Salary Continuation	8,000
Liability Insurance Trust	2,696,092
Health Insurance	1,024,670
Paving and Drainage	<u>20,000</u>
TOTAL OTHER FUNDS	<u>\$ 9,646,189</u>

SECTION 3. This ordinance is an ordinance of precedence and all other ordinances in conflict with it are held null and void insofar as they pertain to these appropriations. The appropriations are the anticipated expenditure requirements for the City, but are not mandatory should efficient administration of City Departments, divisions and offices or altered economic conditions indicate that a curtailment in certain expenditures is necessary or desirable for the general welfare of the City.

SECTION 4. The City Manager is directed to prepare and file with the City Clerk a statement of the proposed expenditures and estimated revenues for the fiscal year 1989-90, which shall be entitled "Annual Budget of the City of Riviera Beach, Fiscal Year October 1, 1988 through September 30, 1990.

SECTION 5. The Finance Director is authorized to increase these appropriations by amounts representing encumbrances properly budgeted for, and carried over from fiscal year 1988-89.

SECTION 6. The City Manager is hereby authorized to invite or advertise for bids for the purchase of any material, equipment, or service provided by the budget for which formal bidding is required; such bids to be returnable to the City Council or City Manager in accordance with Charter or Code provisions.

SECTION 7. This ordinance shall be effective upon passage by the City Council and shall not be delivered to

the Municipal Code Corporation for inclusion in the Code Book.

PASSED and ADOPTED on First Reading this 6th day of September 19 89.

PASSED and ADOPTED on Second and Final reading this 20th day of September, 19 89.

APPROVED:

[Signature]
MAYOR

[MUNICIPAL SEAL]

ATTEST:

CITY CLERK

[Signature]
CHAIRMAN

[Signature]
CHAIRMAN PRO TEM

[Signature]

[Signature]
COUNCIL MEMBERS

	1st Reading	2nd & Final Reading
Motioned By:	<u>E. Wade</u>	<u>J. McGann</u>
Seconded By:	<u>J. McGann</u>	<u>E. Wade</u>
J. Goode	<u>aye</u>	<u>aye</u>
E. Wade	<u>aye</u>	<u>aye</u>
J. Cunningham	<u>aye</u>	<u>aye</u>
J. McGann	<u>aye</u>	<u>aye</u>
A. Fox	<u>nay</u>	<u>nay</u>

TCP:sw
08/30/89

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.

[Signature]
Gwendolyn E. Davis, City Clerk

APPROVED AS TO FIGURES:

Dennis Widlansky
Finance Director

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY FLORIDA, AMENDING SECTION 23.8 AND REPEALING SECTION 23-9 OF CHAPTER 23 "ZONING" OF THE CITY CODE AND THEREBY CHANGING VARIOUS ASPECTS OF THE ZONING BOARD OF ADJUSTMENT; PROVIDING AN EFFECTIVE DATE, AUTHORITY TO CODIFY, AND FOR OTHER PURPOSES.

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

SECTION 1.

That Section 23-8 of the City of Riviera Beach Code is HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

" SEC.23-8. ZONING BOARD OF ADJUSTMENT

A. ESTABLISHMENT OF BOARD AND RULES OF PROCEDURE.

(1.) Establishment of board.

Pursuant to Sec. 163.3161 (8) et sec. Florida Statutes, and Article IV - Planning - Section 3 - of the City Charter of Riviera Beach, a Zoning Board of Appeals is hereby established, which hereafter shall be called the Zoning Board of Adjustment. The word "Board" when used hereafter shall be construed to mean the Zoning Board of Adjustment.

The City shall provide a suitable recording device, secretarial services and appropriate meeting place on a regular basis. The City shall also provide for an attorney to serve as legal advisor to the Board, to be available at all meetings. CDEC (Planning Division) shall provide technical and administrative services to the Board.

(2) Rules of Procedure

The Board shall establish and adopt rules of procedure, subject to ratification by the City Council, which include policies for, but not limited to, election and duties of officers, meeting schedule, time and place, establishing agenda and order of business and method of transacting such business, procedure for action and voting by members, conduct of public hearings, rules of conduct, parliamentary procedure, maintenance of records, and methods of amending same. Otherwise, Robert Rules of Order shall control meetings of the Board to the extent not superseded by the Board's local rules. While full details of the above are specified in the official Rules of Procedure of the Board, the following is included here as a basis for those rules.

(a.) Officers

The Board shall elect a chairperson and a vice-chairperson. The chairperson, or if absent, the vice-chairperson, may administer oaths and compel the attendance of witnesses.

(b.) Terms of officers of the Board.

Terms of all such officers shall be for one year, with eligibility for re-election. No officers shall be elected for more than three (3) consecutive years.

(c.) Schedule of meeting.

Meetings of the Board shall be held generally once a month, or at the call of the chairperson and at such times as the Planning Division may determine convenient for the Board.

(d.) Quorum and Voting.

A quorum of the Board shall consist of four (4) members, and an affirmative vote of four members shall be necessary to pass any motion or adopt any order unless otherwise specified herein. At least four members of the Board must vote affirmatively in order for the action on the question to be official. A majority vote of those present shall be necessary only to consider matters not pertaining to any application before the board.

(e.) Maintenance of records.

The Board shall keep a public record of its transactions, findings and determinations. Such record shall include, but not be limited to,

minutes of proceedings, showing the vote of each member upon each matter of business (including absent members and members failing to vote for other reasons.) All such records shall be filed with the office of the City Clerk.

B. MEMBERS-APPOINTMENT AND TERMS

(1.) Membership-Composition

The Board shall consist of five (5) members and two alternate members appointed by the City Council from among the qualified voters who have been a resident of the City for at least one year and shall serve without compensation. Such members should be familiar with the powers and duties of the Zoning Board of Adjustment and be supportive of the proposition that municipal development should be accomplished in furtherance of the protection of the public health, safety and welfare of the community, and the Comprehensive Plan of the City of Riviera Beach.

(2.) Membership Terms and Vacancies:

(a.) All members shall be appointed by the City Council for terms per the City Charter as existing or hereafter amended. The present members of the Board shall continue in office until their respective terms expire and their successors are appointed.

The alternate members may attend all meetings of the Board but shall act and be eligible to vote, only in the absence, in disability or disqualification of a regular member.

(b.) The absence of a member for three (3) consecutive meetings, without an excuse approved by the chairperson of the Board and noted in the minutes, shall be cause for removal by the City Council.

(c.) Vacancies, however created, shall be filled for the unexpired term of any members whose term becomes vacant. The City Council should fill any vacancy within thirty (30) days after the vacancy occurs. The alternate may, in this event, be appointed as a member, whereupon the resulting vacancy in the position of alternate shall be filled as provided in this section.

C. POWERS AND DUTIES

The Board shall have only the following powers set forth in this section.

(1.) Administrative Review.

The Board may hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any regulations in the Land Development Code.

(2.) Hear and decide requests for variances.

The Board may hear and authorize upon application such variance from the terms of the Ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance would result in unnecessary and undue hardship. Variances can only be granted if all criteria for approval are met.

D. BOARD ACTIONS -- BASIS OF VARIANCE APPROVAL

The Board in dealing with applications for variances shall use the following as a basis for decisions.

(1.) Specific Criteria For Approving Variances.

In order to authorize any variance under the terms of this ordinance, the Board must find all of the following specific criteria.

(a.) Existence of special conditions or circumstances.

That a special condition or circumstance exists which is peculiar to the lands, structures, or building involved in the application.

(b.) Conditions not created by applicant. That the special conditions or circumstances did not result from the actions or inaction (s) of the applicant.

(c.) Special privileges not conferred. That granting the variance requested will not confer on the applicant any special privilege that is denied to other lands, building or structures.

(d.) Hardship conditions exist. That literal

enforcement of the provisions of the ordinance would work unnecessary and undue hardship on the applicant, and would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of existing ordinances.

(2) Supplementary Criteria for Determining Variances.

(a.) Minimum variance only to be granted.

The variance granted shall be the minimum variance that will make possible the requested use of land, building, or structure.

(b.) Variances to lot minimum requirements

Where a lot area, lot width or lot depth variance is applied for, no such variance may be granted provided vacant land is available, adjacent to the lot in question, sufficient to make the variance unnecessary. However, where the acquisition of such property would cause the adjacent property of structures to become nonconforming, then the acquisition option is invalid. The applicant for such variances shall provide an affidavit with the application for variance stating that the above mentioned conditions exist with respect to the acquisition of additional property.

(c.) Not injurious to public welfare or intent of ordinance.

The grant of the variance shall be in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

(d.) Conditions and safeguards may be imposed.

In granting any variance the Board may prescribe appropriate conditions and safeguards in conformity with the code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall run with the land and shall be deemed a violation of the ordinance.

(3) Prohibited Variances

(a.) Use variances prohibited.

Under no circumstances shall the Board grant a variance to permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by terms of the Land Development ordinance in the subject zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning districts and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

(b.) Density Variances Prohibited.

Under no circumstances shall the board grant a variance which has the effect of increasing the density and the number of dwelling units to be allowed on residential property as defined in the applicable sections of the Land Development Code.

(4.) Time limit for Variances.

The Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun, or completed, or both. A variance granted by the Board shall automatically expire under the following conditions:

(a) The variance shall expire 180 days from the date of the rendition of the written resolution of the board granting the variance if a building permit has not been issued in accordance with the plans and condition upon which the variance was granted.

(b) The variance shall expire if a building permit issued in accordance with the plans and conditions upon which the variance was granted expires and is not renewed pursuant to the applicable provisions regarding renewal of building permits.

(c) A variance may be extended up to 180 days at the discretion of the Board.

(d) Variances shall not become operative until all conditions in the Board's Orders are fully complied with.

E. BOARD ACTIONS - OPERATING PROCEDURES.

Procedures for processing matters before the board are as follows:

(1.) Variances - Applications for relief from requirements of the Land Development Code.

All applications for variances to the board shall be in writing on forms prescribed by the board. The application shall be signed by the applicant, and if the applicant is not the record title owner of the real property involved, then the record title owner shall also sign the application and the applicant's interest in the real property shall be disclosed. Every application shall be sufficiently detailed to accurately inform the Board of the variance requested, the reasons therefore and the provisions of the Land Development Code affected thereby.

A variance from the terms of these regulations shall not be granted by the Board unless and until:

(a.) A written application specifying the grounds for the variance is submitted.

(b.) Notice of public hearing shall have been given.

(c.) The public hearing shall have been held with the aggrieved parties appearing in person or represented by an agent.

(d.) The Board shall have determined that the application is complete and that granting the variance meets the criteria established in section (D), above.

(2.) Interpretations - Appeals of interpretations of the Land Development Code.

Appeals to the Board concerning interpretation or administration of the Land Development code may be taken by any aggrieved person or by any person or officer of the governing body of the City affected by

any decision of the Building Official or other administrative officer. Such appeals must be taken within thirty (30) days after the rendition of the written order, requirement, decisions or determination appealed, by filing with the CDEC, a notice of appeal specifying the grounds thereof and in the form prescribed by the rules of the Board. The administrative officer from whom the appeal is taken shall, upon notification of the filing and prior to the hearing date, transmit to the Board all papers or materials constituting the record upon which the action appealed from was taken along with the materials, if any, to support the administrative decision.

(3.) Notice of Hearing of Variances Requests.

The Planning Division shall fix a reasonable time for the hearing of the request, generally not to exceed sixty (60) days after receiving the request for variance.

Following complete submittal, applications shall be scheduled for the next regular meeting for which applicant has met deadline requirements established by CDEC.

The public notice shall contain at least the following items:

- (a.) The date, time and place of meeting;
- (b.) The title of the Board conducting such meeting;
- (c.) A brief description of the matter to be considered; and
- (d.) A legal description of property and other appropriate information identifying the property involved.

The public notice of hearing shall be published in a newspaper of general circulation in the City, not less than five (5) days and not more than fifteen (15) days before the date of the hearing. A copy of the notice shall be mailed by first class mail to the applicant and to all property owners within the city limits, within three hundred (300) feet in all directions from the property involved in the application, as shown in the current records of the county property appraiser. The notices to be sent to property owners and the applicant shall be sent at a minimum of fifteen (15)

days before the published hearing date. Failure of receipt of notice by individuals by mail shall not affect the validity of any action by the Board.

(4.) Amendment To Variances

An application for a variance may be amended during the Public hearing of the appeal, provided that the amendment does not materially alter the application as published in the public notice, and may result in a lesser variance granted than requested. In the event the proposed amendment makes the variance request misleading or requests a greater variance, the Chairperson shall require an amended public notice, and the applicant shall pay an additional fee in a sum equal to the cost of publishing an amended public notice of a new hearing date.

(5.) Withdrawal of Variances

An applicant may voluntarily withdraw his or her application at any time prior to the commencement of a roll call vote to decide the variance request, and such withdrawal shall be without prejudice. A voluntary withdrawal shall be in writing and filed with the Planning Division unless announced at a public hearing.

(6.) Public Hearings

- (a) Format. At the public hearing the board shall consider the testimony and exhibits of the applicant, the city staff and all interested members of the public, and then act upon the application for relief or interpretation. Every decision of the board shall be by a written resolution or order which shall contain a the findings of the board.
- (b) Voting Requirements. Each decision of the board which interprets or grants relief shall be adopted only upon the affirmative vote of at least four members of the board.
- (c) Rendition of Decisions. Each resolution or order of the board shall be deemed rendered when signed by the chairperson and filed in the office of the city clerk.
- (d) Stay of Proceeding. Application for a variance or an appeal to the Board shall

stay all work on the property and all proceedings in furtherance of the application or action appealed from, unless the City Manager shall certify to the Board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such event, proceedings or work shall not be stayed except by restraining order granted by a court of competent jurisdiction.

- (e) Rehearings. Whenever the Board has denied a request, the board shall not consider any further application for the same request for a period of six (6) months from the date of such action, except as follows:

An applicant may file a written motion for rehearing of the decision rendered by the Board with the Planning Division within ten (10) days of the date the decision is rendered. No filing fee shall be required. At a regular meeting the Board shall review the rehearing request and a concurring vote of four (4) members shall be necessary to grant a motion for rehearing. If the Board grants a motion for rehearing, public notice of the rehearing shall be given at the cost of the applicant. The motion for rehearing may be based upon the following grounds:

(1) Newly discovered evidence which by due diligence could not have been discovered in time to present at the public hearing; (2) fraud, misrepresentation or other misconduct of any person who submitted evidence to the Board; (3) mistake, inadvertence, surprise or excusable neglect (4) the Board has overlooked or misinterpreted any material points of law or fact.

- (f) Appeal against Board Determinations. Any person aggrieved by a decision of the Board, may within 30 days of the rendition of a signed, written resolution, may seek a judicial review of the decision.

Review in the Circuit Court shall be either by a trial de novo, which shall be governed by the Florida Rules of Civil Procedure, or by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules.

Aggrieved persons may include, the applicant, any

affected person (s), or the city manager.

(F) FEES. The City Council shall establish by resolution the appropriate scheduled of fees, charges and expenses and a collection procedure for appeals, actions, requests, and other matters pertaining to the Board. The Board shall have the authority to expend any funds so appropriated by the City Council for purposes and activities authorized herein or by any such Resolution(s)."

SECTION TWO

That section 23-9 of the city code is hereby repealed and reserved.

SECTION THREE.

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

PASSED AND APPROVED on first reading this 6th day of September, 1989.

PASSED AND ADOPTED on second and final reading this 20th day of September, 1989.

APPROVED:

[Signature]
MAYOR

[Signature]
CHAIRPERSON

ATTEST

[Signature]
CITY CLERK

[Signature]
CHAIRPERSON PRO TEM
[Signature]
COUNCIL MEMBERS

1ST Reading

2ND and Final Reading

Motioned By: J. McGann
Second By: J. Cunningham

J. McGann
J. Cunningham

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

E. Wade out
J. McGann aye
J. Cunningham aye
 aye

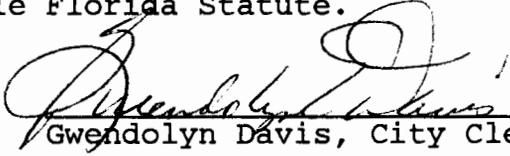
REVIEWED FOR LEGAL SUFFICIENCY

[Signature]

CITY ATTORNEY
CITY OF ORLANDO BEACH
DATE: 8-27-89

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 Davis, City Clerk

(Approved by ZBA June 1989.)
(Ratified by City Council _____)

ZONING BOARD OF ADJUSTMENT
CITY OF RIVIERA BEACH FLORIDA

RULES & REGULATIONS

The following list of Articles embody the rules and regulations of the Zoning Board of Adjustment of the City of Riviera Beach.

- ARTICLE I. NAME AND GENERAL AUTHORITY
- ARTICLE II. OFFICERS & MEMBERS DUTIES
- ARTICLE III. ELECTION OF OFFICERS
- ARTICLE IV. MEETINGS OF THE BOARD
- ARTICLE V. ACTIONS BEFORE THE BOARD
- ARTICLE VI. HEARINGS AND PROCEDURE
- ARTICLE VII. ADMENDMENTS TO RULES & REGULATIONS AND EFFECTIVE DATE.

ARTICLE I. NAME & GENERAL AUTHORITY

Section 1. The Name of this Board shall be "The Zoning Board of Adjustment" of the City of Riviera Beach, Florida.

Section 2. The Zoning Board of Adjustment (hereinafter referred to as the Board), shall be governed by Sect. 23-8 and of the City Code of Ordinances, the Land Development Code, the Comprehensive Plan of the City of Riviera Beach, as now and hereafter amended, and these Rules of Procedure set forth herein as adopted by the Board and ratified by the City Council.

Section 3. Since the Board, in effect, serves as the final authority to act on Land Development Code Variances, the Board shall use legal counsel at all meetings, and shall be provided by the City attorney's office.

Section 4. The CDEC Planning Division shall serve as the technical/administrative arm of the Board, providing services to the Board, including secretarial, application processing, application recommendations, noticing of meetings, and agenda preparation.

ARTICLE II. OFFICERS AND MEMBERS DUTIES

Section 1. The officers shall include an elected Chairperson and a Vice-Chairperson.

Section 2. The Chairperson shall preside at all meeting and hearings of the Board and shall have the duties normally conferred by parliamentary customs of such officers.

Section 3. The Chairperson shall be one of the members of the Board. The Chairperson shall have the privilege of discussing all matters before the Board and shall have the same voting rights as any other Board member.

Section 4. The Vice Chairperson shall act in the absence or disability of the Chairperson.

Section 5. Alternate members shall receive notification of meetings and agenda packages as for full members, and they may attend any meeting and observe and participate as ordinary citizens. However, they will only participate as voting members if invited to attend a specific meeting as a substitute for a full member.

Section 6. The alternate members will be selected for substitute service on a rotating basis as the need arises, and the Planning Division staff will be responsible for contacting the alternate.

Section 7. Members shall notify the Planning Division and/or Chairperson of the Board if they cannot attend a meeting. If a member misses three consecutive meetings without cause and without prior notification to the Chairperson, or Planning Division, the Board shall declare the member's office vacant.

Each member shall be responsible for notifying the Planning Division as promptly as possible of any anticipated absence from a Board meeting through illness or other extraordinary circumstances. Except for automatic resignation from the Board, a Board member may resign by filing a written statement of resignation with the City Clerk. Vacancies on the Board shall be filled pursuant to Section No. 23-8 of the City of Riviera Beach Municipal Code, as amended.

ARTICLE III ELECTION OF OFFICERS

Section 1. Nomination of Officers shall be made from the floor at the annual organizational meeting in June, or first regular meeting thereafter, and the election shall be held at that meeting.

Section 2. A candidate receiving a majority vote shall be declared elected and shall serve a term of one year, or until a successor shall take office.

Section 3. No officer shall be elected for more than three (3) consecutive years.

Section 4. Vacancies in office shall be filled immediately in accordance with the regular election procedures.

ARTICLE IV MEETINGS OF THE BOARD

Section 1. Regular meeting.

Regular meetings shall be called as necessary to consider requests for variances or appeals, and shall be held on the third Tuesday of the month at 7:00 P.M. in the Council Chambers, City Hall, 600 West Blue Heron Boulevard, Riviera Beach, Florida. Notice of all meetings shall be provided to the City Clerk. All meetings shall be open to the public.

Section 2. Special Meetings:

A special meeting may be called by the Chairperson subject to compliance with statutory notice provision.

Section 3. Adjourned Meetings:

The Board may adjourn a special or regular meeting if all business cannot be disposed of on the day set, and no further public

notice shall be necessary for such a meeting if the time and place of the meetings' resumption are stated at the time of adjournment and are not changed prior to the stated resumption.

Section 4. General Conduct & Procedure of Meetings:

(a) Except as provided herein, procedure at Board meetings shall be governed by the Rules and Regulations contained herein, and Roberts Rules of Order, newly revised editions, shall be the general authority on all questions of parliamentary procedure.

(b) The Chairperson, the Vice-Chairperson, or City Legal representative shall administer oaths or require the attendance of witnesses as may be necessary. The Chairperson may establish appropriate time limits for arguments, but such time limits shall be equal for both sides. The order of business at meetings shall be as follows: (1) roll call; (2) approval of minutes of previous meetings; (3) hearing of cases; (4) unfinished business; (5) new business. The Chairperson may, through a majority vote, change the order of business at any meeting.

Section 5. Records of Meetings:

(a) All regular and special meetings, hearings, and records shall be open to the public. A recording secretary shall be provided by the city, and shall keep minutes of all meetings of the Board; attendance; the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and that portion of the minutes relating to a specific case shall be placed in that case file.

(b) If any interested person desires to appeal any decision made by the Board, with respect to any matter considered at a meeting or hearing, such interested person will need a record of the proceedings, and should provide their own means of making a verbatim record of the proceedings, which record should include the testimony and evidence upon which the appeal is to be based.

Section 6. Quorum and Voting:

A quorum of the Board shall consist of four (4) members, and an affirmative vote of 4 members shall be necessary to pass any motion or adopt any order unless otherwise specified herein. At least four members of the Board must vote in order for the action to be official. A majority of those present shall only be

necessary to consider matters not pertaining to any application before the board.

ARTICLE V.

ACTIONS BEFORE THE BOARD

Section 1. Administrative Review:

Appeals to the Board concerning interpretation or administration of the Land Development Code may be taken by any person aggrieved or by any officer or bureau of the governing body of the city affected by any decision of the Chief Building Official or City Planner. The appeal shall be filed with the Planning Division on the appropriate forms.

Section 2. Variances:

(a.) An application requesting a variance from the terms of existing ordinances may be filed at any time. The application shall be filed with the Planning Division on a form provided by the Board.

An application shall not be deemed filed unless and until payment of fee as set forth in the Land Development Code of the City of Riviera Beach, as amended, has been paid. Filing fees may be paid by check or money order.

Section 3. Amendment To Variances

An application for a variances may be amended during the public hearing of the variance, provided that the amendment does not materially alter the appeal as published in the public notice, and may result in a lesser variance granted than requested by the appeal. In the event the proposed amendment makes the appeal misleading or requests a greater variance, the Chairperson shall require, an amended public notice, and the applicant shall pay an additional fee in a sum equal to the cost of publishing an amended public notice of a new hearing date.

Section 4. Withdrawal of Variances

An applicant may voluntarily withdraw his or her applicaiton for variances at any time prior to the commencement of a roll call vote to decide such appeal, and such withdrawal shall be without prejudice. A voluntary withdrawal shall be in writing and filed with the Planning Division unless announced at a public hearing.

ARTICLE VI HEARINGS AND PROCEDURE

Section 1. Public Hearings Notice

Notice of the public hearing of the application shall be given in accordance with the City of Riviera Beach Code of Ordinances and Florida Statutes.

Section 2. Public Hearings

(a.) An application for a variance shall be heard within sixty (60) days from the time of filing with the Planning Division. Applications shall be heard in order of their filing. Amended applications shall have priority according to the date of the amendment if an amended public notice is required.

(b.) At the public hearing, the applicant or any other party may appear on his own behalf or be represented by an agent or an attorney. If the applicant does not appear on his own behalf at the public hearing, he shall file with the Planning Division prior to the public hearing a statement authorizing such other person to represent him at the public hearing.

(c.) If the applicant or the designated representative fails to appear at the hearing, the application will automatically be denied unless the Board votes to postpone.

Section 3. Rehearings

(a.) Whenever the Board has denied a application for a variance, the board shall not consider any further application for the same request for a period of six (6) months from the date of such action, except as follows:

(b.) An applicant may file a written motion for rehearing of the decision rendered by the Board with the Planning Division within ten (10) days of the date the decision is rendered. No filing fee shall be required. At a regular meeting, the Board shall review the rehearing request and a concurring vote of four (4) members shall be necessary to grant a motion for rehearing. If the Board grants a motion for rehearing, public notice of the rehearing shall be given at the cost of the applicant. The motion for rehearing may be based upon the following grounds:

(1) Newly discovered evidence which by due diligence could not have been discovered in time to be presented at the public hearing;

(2) fraud, misrepresentation or other misconduct of any person who submitted evidence to the Board;

- (3) mistake, inadvertence, surprise or excusable neglect; or
- (4) the Board has overlooked or misinterpreted any material points of law or fact.

Section 4. Rules of Conduct for Hearings

The following procedure will be observed in all hearings before the Board:

- (1) The Chairperson shall explain the format of the hearing by stating the following order of proceedings.
- (2) Everyone present to speak for or against the application for variance shall rise and be sworn in by the Chairperson, Vice-Chairperson or city legal representative.
- (3) The chairperson shall read the specific variance request from the public hearing notice, and any other pertinent information deemed appropriate.
- (4) The applicant shall make a presentation, and the Board may ask questions of the applicant.
- (5) Those in favor of the application shall be heard first. Those in opposition to the application shall be heard next.
- (6) The applicant shall then have an opportunity for rebuttal unless otherwise ordered by the Chair.
- (7) The staff shall make a presentation and recommendation. The public, applicant and Board may ask questions of staff.
- (8) Upon completion of all testimonies the Chairperson may allow the applicant, a final rebuttal and shall announce that no further evidence may be offered.
- (9) The Chairperson will allow further discussion of the application by the Board and Staff only, before a motion to approve or deny is made by a Board member.
- (10) Final action by the Board will be a motion to approve or deny the application, discussion on the motion, and the resulting vote.

Section 5. Hearing Decision Vote

(a) Vote

A decision on any application for a variance or appeal, shall be made at the public hearing. Voting shall be by roll call vote.

Roll call shall be in random order. All Board Members present shall vote. No abstaining shall be allowed. The chairperson shall vote last. The voting of each member shall be "yes" (in favor of the motion) or "no" (opposed to the motion). A concurring vote of four (4) members of the Board shall be necessary to decide in favor of the applicant or to reverse any determination of the Chief Building Official, City Planner, or CDEC Director.

(b) Tie Vote

If 4 members only are present, then a tie vote of 2 "yes" and 2 "no" shall constitute a denial of the question.

(c) Representation of applicant by Board Members:

No member or alternate member of the Board shall make any presentation to the Board on behalf any person or any application being considered by the Board. However, members may represent themselves on applications initiated by them on land which they have a direct or indirect ownership interest.

(d) Personal Interest Disclosure by Board Members.

No member of the Board shall hear or vote upon an administrative review appeal, variance application, or motion for re-hearing in which she or he is directly or indirectly effected in a financial way.

If a Board member determines there will be a conflict of interest on a scheduled item, that member will not participate in that item, and the member will step down and request that an alternate be substituted for that particular agenda item.

Whenever a member or alternate member of the Board has a personal, private or professional interest in any matter which comes before the Board, that member or alternate member shall disclose said conflict before the discussion and vote. Within fifteen (15) days after the vote occurs, they shall file a Memorandum of voting conflict with the Planning Division pursuant to the provisions of Chapter 112, Florida Statutes.

ARTICLE VII.

ADMENDMENTS TO RULES & REGULATIONS; EFFECTIVE DATE:

Section 1. These rules of procedure may be amended by a concurring vote of four (4) members of the Board, provided that the proposed amendment(s) has been presented to the Board at least one week prior to its adoption.

Section 2. These rules of procedure shall be reviewed by the Board not less than every two (2) years. Recommendations for proposed amendments shall be made in writing.

Section 3. These Rules shall become effective immediately after their ratification by City Council.

These Rules of Procedure were adopted by the Zoning Board of Adjustment on the ____ day of _____, 1989.

Chariman, Board of Adjustment

Ratified by City Council on the ____ day of _____, 1989

Mayor, City of Riviera Beach

Dorothy E. Davis
Attest

ORDINANCE NO. 2460

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENACTING A NEW SECTION 1-10, HERETOFORE RESERVED, AND THEREBY PROVIDING THAT NO CONTRACT THAT GRANTS SEVERANCE PAY, OR ANY OTHER BENEFIT TO ANY DEPARTMENT HEAD OR EMPLOYEE THEN IN THE EMPLOY OF THE CITY SHALL BE APPROVED, ADOPTED, EXECUTED, OR OTHERWISE PROMISED WITHIN SIXTY (60) DAYS PRECEDING ANY PRIMARY, RUN-OFF, OR GENERAL ELECTION FOR ANY SEAT ON THE RIVIERA BEACH CITY COUNCIL; PROVIDING AN EFFECTIVE DATE.

WHEREAS to many times in the past, shortly before an election, City Councils have entered into written contracts with one or more Department Heads within the City to grant severance pay provisions, severance pay extensions, or other substantial benefits that have a monetary impact on the City and its taxpayers; and

WHEREAS, this City Council feels that such eleventh hour contracts are too often based on political considerations rather than the substantive merits of the specific case; and

WHEREAS, the City Council desires to bar such events in the future;

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

SECTION ONE

That a new Section 1-10 of the Code of Ordinance of the City, presently reserved, reading as follows IS HEREBY ENACTED:

"Sec. 1-10. Contracts with Department Head.

Within sixty (60) days before any City Council primary, City Council run-off, or City Council general election, no contract, written or oral, expressed or implied, shall be entered into by and between the City and any Department Head or other employee then employed by the City to grant to any Department Head any benefit that has a monetary impact to the City such as, but not limited to, awards of severance pay, extensions or increases in severance pay, increase in salary (except regular salary increases or anniversary merit increases) vacation time, any leave with pay, any extension to the term of any employment contract, any renewal of an employment contract, any entering into a new employment contract, or any other thing of monetary value.

SECTION TWO

That this ordinance shall be effective upon final passage by the City Council on Second Reading and one public hearing.

PASSED AND APPROVED on first reading this 6th day of September, 1989.

PASSED AND ADOPTED on second and final reading this 20th day of September, 1989.

APPROVED:

[Signature]
MAYOR

[Signature]
CHAIRMAN
[Signature]
CHAIR PRO TEM

ATTEST:

[Municipal Seal]
[Signature]
CITY CLERK

[Signature]
COUNCIL MEMBERS

	1st Reading	2nd & Final Reading
Motioned By:	<u>E. Wade</u>	<u>J. Cunningham</u>
Seconded By:	<u>J. Cunningham</u>	<u>J. McGann</u>
J. Goode	<u>aye</u>	<u>aye</u>
E. Wade	<u>aye</u>	<u>out</u>
J. McGann	<u>aye</u>	<u>aye</u>
J. Cunningham	<u>aye</u>	<u>aye</u>
A. Fox	<u>aye</u>	<u>aye</u>

TCP/sw
8.21/9.5.89

REVIEWED FOR LEGAL SUP
[Signature]
CITY ATTORNEY
CITY OF BIVIERA BEACH
DATE: 9-2-89

COPY

TO: MAYOR AND CITY COUNCIL MEMBERS
FROM: JAMES J. GOODE, COUNCIL CHAIRMAN
DATE: SEPTEMBER 6, 1989
SUBJ: PROPOSED ORDINANCE REGARDING EMPLOYEE CONTRACT
CHANGES - AGENDA, PAGE 7, ITEM IX, FIRST
READING.

RECOMMENDATION:

It is recommended that the proposed changes to Section 1-10 be further amended to read as follows:

"Within sixty(60) days before any City Council primary, City Council run-off, or City Council general election, no contract, written or oral, expressed or implied, shall be entered into by and between the City and nay Department Head or other employee then employed by the City to grant to any Department Head or other employee any benefit that has a monetary impact to the City such as, but not limited to, awards of severance pay, extensions or increases in severance pay, increases in salary (except regular salary increases or anniversary merit increases), vacation time, any leave with pay, any extension to the term of any employment contract, any renewal of an employment contract, any entering into a new employment contract, or any other thing of monetary value.

The underlined items are new additions that make the proposed Ordinance more comprehensive in scope to prevent a sitting City Council from making such contract that can bind a subsequent City Council based on last minute political considerations.

JJG/tp

cc: Files

*Attached is Revised Ord
9/7/89 - according to
memo. Spi*

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 18-29, ARTICLE III OF THE CITY CODES BY INCLUDING A TAX OF TEN PERCENT (10%) ON THE SALE OF WATER BY A UTILITY OR MUNICIPAL ENTERPRISE WITHIN THE CITY LIMITS.

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

Section 1 That Article III, Section 18-29 of the Riviera Beach Code of Ordinances is hereby amended to include a tax of ten percent (10%) on the sale of water by utility or municipal enterprises within the Riviera Beach city limits, as follows:

"Sec. 18-29. Tax levied; amount; how paid.

There is hereby levied by the City of Riviera Beach, Palm Beach County, Florida, on each and every purchase in said city of water, electricity, telephone (service), metered or bottled gas (natural or manufactured), and fuel oil, a ten percent (10%) tax on the charges made by the seller thereof, which tax, shall in every case, be paid by the purchaser, for the use of said city, to the seller of such water, electricity, telephone (service) or gas at the time of paying the charge therefore to the seller thereof, but not less often than monthly."

Section 2 That this tax shall be effective for all sales made after October 1, 1989.

Section 3 That this Ordinance shall be effective upon final passage by the City Council.

AN ORDINANCE OF THE CITY OF RIVIERA BEACH,
PALM BEACH COUNTY, FLORIDA, AMENDING
PARAGRAPHS (A) AND (B) OF SECTION 10-20.6 OF
THE CITY CODE AND THEREBY INCREASING
COLLECTION FEES FOR GARBAGE AND TRASH
COLLECTION; PROVIDING AN EFFECTIVE DATE.

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

SECTION ONE

That paragraphs (a) and (b) of Section 10-20.6 entitled
"Fees" of Division 1A entitled "Municipal Refuse Collection
Service" of Article II entitled "Garbage, Trash, Weeds and
Litter" of Chapter 10 entitled "Health and Sanitation" of the
Code of Ordinance is HEREBY AMENDED TO READ AS FOLLOWS:

"(A) GROUND LEVEL: AT CURB SIDE OR SWALE AREA.

The fee for collection and disposal of refuse placed
for collection at ground level and at curb side or
swale area shall be as follows:

- (1) **RESIDENTIAL UNITS** which includes
single family residences, duplexes,
triplexes, apartments and mobile units
and multi-units, to include
condominiums, shall be seventeen
dollars and twenty five cents (17.25)
per month per living unit.
- (2) **MOTELS** not having container shall be
charged seventeen dollars and twenty
five cents per month per living unit.
- (3) **SMALL COMMERCIAL BUSINESSES** not having
container service shall be charged
forty two dollars and fifty five cents
(42.55) per month.
- (4) **CONTAINER SERVICE** rates shall be as
follows:

NUMBER OF PICKUPS PER WEEK

Container Size Yards	1	2	3	4	5	6
2	71.41 82.12	91.45 105.17	141.54 162.77	181.62 208.86	245.74 282.60	271.79 312.56
3	81.80 94.07	141.91 163.20	171.67 197.42	266.14 306.06	322.27 370.61	358.39 412.15
4	92.18 106.01	178.85 205.68	266.51 306.49	354.67 407.87	442.83 509.25	531.00 610.65
6	131.59 151.33	266.84 306.87	355.04 408.30	443.20 509.68	531.37 611.08	619.53 712.46
8	179.07 205.93	333.35 383.35	443.56 510.09	646.06 742.97	663.97 763.57	774.18 890.31

(5) **COMMERCIAL UNITS WITH OWN COMPACTION:**

for any customer that has its own compaction, the container rate shall be charged double the normal rate.

(6) **WHEN MULTIPLE RESIDENCE UNITS,**

EXCLUDING MOTELS, use container service the charge will be the Residential Unit Rate or the Container Rate, whichever is the greater.

(7) **THE CITY** shall reserve the right to

decide in the case of multiple residence the use of cans or containers of which will be more suitable for adequate collection for Refuse.

(B) It shall be the responsibility of the person(s) designed in Section 10-19, above, to provide for the removal of any appliance, couches, chairs, beds or like items. If the City is requested to remove such items, the request shall be made in person at the office of the City Clerk and shall pay the following charge at that time:

ORDINANCE NO. 2463

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE CITY COUNCIL TO ACCEPT A SUPPLEMENTAL ALLOTMENT IN THE AMOUNT OF \$9,000 FROM THE UNITED WAY OF AMERICA FEMA BOARD; AND ALSO AUTHORIZING THE DIRECTOR OF FINANCE TO INCREASE THE BUDGET BY THE SAME AMOUNT TO BE USED AS FOLLOWS: FOOD \$2,000, SHELTER \$6,000 AND UTILITIES \$1,000.

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

Section 1: That the City Council accept a supplemental allotment in the amount of \$9,000 from the United Way of America FEMA Board;

Section 2: That the Director of Finance increase the budget for the United Way Emergency Food and Shelter Grant in the same amount as follows:

REVENUE

117366903 United Way Grant \$9,000

EXPENDITURES

117161856908302 Shelter \$6,000

117161856908303 Food \$2,000

117161856908305 Utilities \$1,000

TOTAL: \$9,000

Section 3: This Ordinance shall be effective upon final passage and shall not be codified.

PASSED and ADOPTED this First Reading this 6th day of September, 1989.

PASSED and ADOPTED this Final Reading this 20th day of September, 1989.

APPROVED:

Charles K. Williams
MAYOR

Allen Fox
CHAIRMAN

ATTEST:

James C. McGann
CITY CLERK

James C. McGann
CHAIRMAN PRO-TEM

MOTIONED BY: A. Fox

SECONDED BY: J. Cunningham

- J. Goode aye
- E. Wade aye
- A. Fox aye
- J. McGann aye
- J. Cunningham aye

REVIEWED FOR LEGAL SUFFICIENCY

J. C. McGann

CITY ATTORNEY

DEPT OF RIVIERA BEACH

DATE: 2-29-89

ORDINANCE NO. 2464

ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADDING ARTICLE III TO CHAPTER 6A OF THE CITY CODE ENTITLED "POLICE ADVISORY BOARD, AND THEREBY CREATING A POLICE ADVISORY BOARD THAT WILL OPERATE UNDER THE DIRECTION OF THE CITY COUNCIL, THEREBY REVISING THE OUTDATED SECTIONS OF THE EXISTING CHAPTER 6A; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there has been some public concerns over the image and effectiveness of the City of Riviera Beach Police Department within the local community; and

WHEREAS, it is thought that an Advisory Board operating under the direction of the City Council may help to improve said department and foster better relations between the Police Department and the citizens within the community.

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

SECTION ONE

That Article III of Chapter 6A of the Code of Ordinances of the City of Riviera Beach, consisting of Section 6A-33 through 6A-40 inclusive, reading as follows IS HEREBY ENACTED.

**"ARTICLE III POLICE
ADVISORY BOARD**

Sec. 6A-33. Created.

There is hereby created and established an advisory board to be known as the Police Advisory Board.

Sec. 6A-34. Composition; appointment; term and oath of office.

(a) The board shall consist of eleven (11) members. The members shall be registered voters of the City of Riviera Beach, Florida. The members, chairman and vice-chairman of the board shall be selected by and serve at the discretion of the City Council. Before entering his or her duties, each member shall execute an acceptance of appointment and oath of office and file same with the city clerk.

(b) Any member serving on this board will be precluded from serving at the same time on any other board or agency of the city, or be a city employee with the exception of legal counsel. The city attorney shall be the executive officer to the board and as such, be responsible for the administration of this article. The city manager shall appoint and executive secretary for the board and such other personnel who shall be responsible for providing the administrative, clerical and investigatory assistance to the board in discharging its duties and responsibilities as are authorized by the City Council.

(c) The term of office shall be one (1) year. The Board shall meet on an as needed basis as determined by the City Council

Sec. 6A-35. Members' orientation, attendance and participation at meetings.

(a) Each member shall attend a mandatory orientation of the Police Department after receiving appointment to the Board by the City Council. The purpose of the orientation is to provide each member with an understanding of how the Police Department is structured.

(b) Members shall be required to attend all regular and special meetings of the board. The City Council shall be notified of any member who neglects the duties of his office as determined by the board and may be removed by three-fifths vote of council.

(c) Any member who neglects the duties of his or her office as determined by the board may be recommended for removal by two-thirds vote of the board. Any member of the board who fails to attend two (2) out of three (3) successive regular meetings without approval of the chairperson shall automatically forfeit his or her appointment to serve on the board and the City Council shall promptly fill such vacancy.

(d) Each member shall be knowledgeable and bound by Parts III and VI of Chapter 112, Florida Statutes entitled "Code of Ethics for Public Officers and Employees" and "Law Enforcement and Correctional Officers", respectively. For the purposes of this chapter, these parts of Chapter 112, Florida Statutes are hereby adopted by reference.

(e) Each member of the board shall vote on every motion; however, in the event of a conflict of interest as defined in Part III of Chapter 112, Florida Statutes, such member shall not vote or participate in the discussion of said matter and thereafter shall file Disclosure of Voting Conflict with the clerk of the board. The disclosure is to be incorporated into the minutes. Members shall file with the city clerk financial disclosure statement in prescribed form to satisfy the requirements of Florida Statutes.

Sec. 6A-36. Organization; meetings; annual report; quorum.

(a) After the City Council makes the appointment of the members of the board, the board shall call the first meeting for the purpose of its organization.

(b) In the absence, sickness or inability of the chairperson of the board to act, the duties of the chairperson shall be performed by the vice-chairperson.

(c) Subject to the review of the legal department and the approval of the City Council as to content and policy, the board shall adopt rules and regulations for the transaction of its business and shall keep a record of its actions, transactions, findings and determinations. All meetings of the board shall be public. The board shall file with the clerk of the city an annual report setting forth its activities during the preceding year and making recommendations to the City Council.

(d) Seven (7) members of the board shall constitute a quorum necessary to hold a meeting and take any action. A majority vote of a quorum of the membership of the board shall be necessary to accomplish any actions, transactions, findings or determinations.

(e) The chairperson shall be authorized to call meetings of the board and meetings may be called by written notice signed by seven (7) members of the board. The board at any regular or special meeting may fix and call a meeting for a future day.

Sec. 6A-37. Compensation of members.

Members of the board shall receive no compensation for their services, but the City Council may provide in the annual city budget sufficient funds for payment of the actual and necessary expenses incurred by the board in the performance of its official duties prescribed in this article.

Sec. 6A-38. General purposes and functions.

The general purposes and functions of the community relations board shall be:

- (1) To serve as an advisory body to the City Council.
- (2) To study problems in the city relating to relationships among individuals and/or groups in regard to the city and its departments and to make recommendations to the City Council for the betterment of such relationships within the community.

Sec. 6A-39. Prohibited acts.

At no time shall the Board:

- (1) Investigate matters pending before the city or any of its departments.
- (2) Discuss or address any ongoing internal affairs investigations. This shall also pertain to the discussion of individual police officers.
- (3) Proffer any charges against any police officer or employee of the City of Riviera Beach.

Sec. 6A-40. Limitations.

(a) **Advisory nature of board.** The services and jurisdiction of the board in the handling of complaints and in conciliation and mediation as contained in this article are advisory only, subject to the approval of the City Council in each instance.

(b) **Article no exemption from liability, etc.** Nothing in this article shall be deemed to exempt or relieve any person, governmental agency, or institution from any liability, duty, penalty, or punishment provided by any applicable laws or ordinances.

SECTION TWO

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

PASSED AND APPROVED on first reading this 20th
day of September, 1989.

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

APPROVED:

Clark K. Williams
MAYOR

J. McGann
CHAIRMAN

ATTEST:

Elyseth Wade
CHAIR PRO TEM

[Municipal Seal]

Dwendolyn Adams
CITY CLERK

Allen Fox
James C. McGann
COUNCIL MEMBERS

1st Reading

2nd & Final Reading

Motioned By: J. McGann
Seconded By: J. Cunningham

J. McGann
E. Wade

J. Goode aye
E. Wade aye
J. McGann aye
J. Cunningham aye
A. Fox aye

aye
aye
aye
aye
aye

TCP/sw
8.30.89
9.13.89

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ROYAL BEACH, FLORIDA
ONLY.

Sept 13, 1989
[Signature]

ORDINANCE NO. 2465

A ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SUB-PARAGRAPHS (A) THROUGH (D) OF SUB-SECTION ONE (1) OF SECTION 10-106 OF THE CITY OF RIVIERA BEACH PROCUREMENT CODE AND THEREBY REDUCING THE NUMBER OF MEMBERS OF THE MINORITY BUSINESS ENTERPRISE COUNCIL FROM NINE (9) TO FIVE (5) MEMBERS; PROVIDING AN EFFECTIVE DATE.

SECTION ONE

That subsections (a), (b), (c), and (d) of the existing sub-section one (1) to Section 10-106 of the City of Riviera Beach Procurement Code, now reading as follows:

"(a) Three (3) members each of which shall be the Chief Executive Officer of a bona fide Minority Owner Business.

(b) One (1) member who shall be the Chief Executive Officer of a Female-Owned Business.

(c) Five (5) members selected at the discretion of the City Council.

(d) One City Council member and one staff member shall be ex-officio members for indefinite terms."

IS HEREBY AMENDED TO READ AS FOLLOWS:

"(a) Four (4) members, each of which shall be the Chief Executive Officer of a bona fide Minority Owned Business.

(b) One (1) member who shall be the Chief Executive Officer of a Female-Owned Business.

(c) One City Council member and one staff member shall be ex-officio members for indefinite terms."

SECTION TWO

That this Ordinance shall be effective upon final passage by the City Council on Second Reading and one public hearing.

PASSED AND APPROVED on first reading this 20th day
of September, 1989.

PASSED AND APPROVED on second and final reading this
4th day of October, 1989.

APPROVED:

Clara K. Williams
MAYOR

Elizabeth Wade
CHAIRMAN
CHAIRMAN PRO TEM

(MUNICIPAL SEAL)

Richard E. Curtis
CITY CLERK

Allen Fox
J. McGann
COUNCILMEMBERS

	1st Reading	2nd & Final Reading
Motioned By:	<u>J. Cunningham</u>	<u>J. Cunningham</u>
Seconded By:	<u>J. McGann</u>	<u>E. Wade</u>
J. Goode	<u>aye</u>	<u>aye</u>
E. Wade	<u>aye</u>	<u>aye</u>
A. Fox	<u>aye</u>	<u>aye</u>
J. McGann	<u>aye</u>	<u>aye</u>
J. Cunningham	<u>aye</u>	<u>aye</u>

TCP:sw
9/12/89

EMERGENCY ORDINANCE NO. 2467

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA AMENDING THE 1988-89 BUDGET BY TRANSFERRING \$100,000 FROM THE FIRE DEPARTMENT TO THE POLICE DEPARTMENT BUDGET.

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

SECTION 1. That City Charter, Article III, Section 8 allows the City Council to transfer appropriations between departments.

SECTION 2. That the following transfer is hereby approved for the purpose of amending the 1988-89 budget:

FROM:

001092052201201 Fire Salaries \$50,000
001092152601201 Fire Rescue Salaries 50,000

TO:

001081852101203 Police Overtime \$100,000

SECTION 3. That this emergency Ordinance shall take effect immediately upon its adoption by the City Council. This Ordinance shall not be codified.

PASSED AND ADOPTED this 20th day of September, 1989.

APPROVED:

Clayton K. Williams
MAYOR

James C. McTear
CHAIRMAN

(MUNICIPAL SEAL)

Christine White
CHAIR PRO TEM

ATTEST:

Deborah E. Davis
CITY CLERK

Allen Fox
James C. McTear
COUNCILMEMBERS

MOTIONED BY: E. Wade

SECONDED BY: J. McGann

J. GOODE: _____ aye
E. WADE: _____ aye
A. FOX: _____ nay
J. CUNNINGHAM: _____ aye
J. MCGANN: _____ aye

REVIEWED FOR LEGAL SUFFICIENCY

J.C.P.
CITY ATTORNEY
CITY OF RIVIERA BEACH
DATE: 9-12-89

ORDINANCE NO. 2468

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING A STREET MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 860' OF THE SOUTH 1175.00', OF A PORTION OF ROAD RIGHT-OF-WAY KNOWN AS AVENUE "J", LYING WITHIN PLAT NO. 1 OF PARK MANOR AS RECORDED IN PLAT BOOK 26, PAGE 75, PALM BEACH COUNTY FLORIDA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach requests the road right-of-way be abandoned to facilitate the construction of a lime sludge recovery system, and to allow consolidation and better utilization of the land; and

WHEREAS, the City of Riviera Beach, Florida, has no further interest in this particular property for street purposes and such street is needed for necessary public purposes, as mentioned above; and

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

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

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

The north 860' of the south 1175.00', of a portion of road right-of-way lying within Plat No. 1 of Park Manor as recorded in Plat Book 26, page 75, Palm Beach County, Florida.

SECTION 2: This ordinance shall be effective upon final passage by the City Council and shall not be codified.

PASSED AND APPROVED on the first reading this 20th day of September, 1989.

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

APPROVED:

Clara K. Williams MAYOR
[Signature] CHAIRMAN

(MUNICIPAL SEAL)

[Signature] CHAIRMAN PRO TEM

[Signature] CITY CLERK

[Signature]
[Signature] COUNCIL MEMBERS

1st Reading

2nd and Final Reading

Motioned By: J. McGann
Seconded By: E. Wade

E. Wade
J. Cunningham

A. Fox	<u>out</u>	<u>aye</u>
J. Cunningham	<u>aye</u>	<u>aye</u>
E. Wade	<u>aye</u>	<u>aye</u>
J. Goode	<u>aye</u>	<u>aye</u>
J. McGann	<u>aye</u>	<u>aye</u>

BPT:crc
8/24/89

CERTIFICATE OF SERVICE

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.

[Signature]
Gwendolyn E. Davis, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY

[Signature]
CITY ATTORNEY

CITY OF RIVIERA BEACH
DATE: 8-24-89

ORDINANCE NO. 2469

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING ARTICLE IV, CHAPTER 2 OF THE CITY CODE CONCERNING THE ENFORCEMENT OF ORDINANCES AND THE CODE ENFORCEMENT BOARD AND CREATING A NEW ARTICLE TO THE SAME, THEREBY REVISING THE ARTICLE TO COMPORT WITH FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

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

SECTION ONE

That the now existing Article IV, Chapter 2 of the Code of ordinances of the City of Riviera Beach IS HEREBY REPEALED.

SECTION TWO

That a new Article IV, Chapter 2 of the Code of Ordinances of the City of Riviera Beach, consisting of Section 2-35 through Section 2-36.8 inclusive reading as follows IS HEREBY ENACTED.

"ARTICLE IV. ENFORCEMENT OF ORDINANCES

DIVISION 1. GENERALLY

Sec. 2-35. Code Enforcement Officer; Definition; Authority.

(1) As used hereunder, "code enforcement officer" means any designated city employee or agent whose duty is to enforce codes and ordinances enacted by the City. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or fire safety inspectors, which includes the fire marshal. With the exception of the law enforcement officers, the code enforcement officer shall not have the power to arrest or be subject to the provisions of F.S. 943.085 - 943.255.

(2) A code enforcement officer is authorized to issue a citation to any person who based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance.

(3) Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the specified time period, a citation may be issued to the person who has committed the violation. However, a reasonable time period to correct a violation prior to issuing a citation is not required if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

Sec. 2-35.1. Citations.

Pursuant to F.S. 162.21(c), a citation issued by a code enforcement officer shall contain:

1. The date and time of issuance.
2. The name and address of the person to whom the citation is issued.
3. The date and time the civil infraction was committed.
4. The facts constituting reasonable cause.
5. The number or section of the code or ordinance violated.
6. The name and authority of the code enforcement officer.
7. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
8. The applicable civil penalty if the person elects to contest the citation.
9. The applicable civil penalty if the person elects not to contest the citation.
10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment maybe entered against the person for an amount up to the maximum civil penalty.

Sec. 2-35.2. Same--Violations.

(a) The violation of a code or an ordinance is a civil infraction with a maximum civil penalty not to exceed \$500.00.

(b) A civil penalty of less than the maximum civil penalty may be assessed if the person who has committed the civil infraction does not contest the citation.

(c) The citation shall be contested in county court.

(d) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree.

(e) The provisions of this section shall not apply to the enforcement pursuant to F.S. 553.79 and 553.80 of building codes adopted pursuant to F.S. 553.73 as they apply to construction, provided that a building permit is either not required or has been issued by the City. For the purposes of this subsection, "building codes" means only those codes adopted pursuant to F.S. 553.73.

(f) The provisions of this section are additional and supplemental means of enforcing the City's code of ordinances and may be used for the enforcement of any code or ordinance, or for the enforcement of all codes and ordinances. Nothing contained in this section shall prohibit the City from enforcing its codes or ordinances by any other means.

DIVISION 2. CODE ENFORCEMENT BOARD

Sec. 2-36. Same--Declaration of intent.

Sec. 2-36.1 Definitions.

Attorney shall be the City Attorney for the City of Riviera Beach or designee. The attorney shall be the legal council for the board.

City Prosecutor shall be the prosecuting attorney before the board.

Code Enforcement Board shall be the board organized in accordance with Chapter 162 of the Florida Statutes.

Sec. 2-36.2 Applicability; jurisdiction.

Pursuant to Section 162.03 of the Florida Statutes the City Council of the City of Riviers Beach hereby creates the Code Enforcement Board of the City of Riviera Beach. The board shall have the authority to hold hearings and assess fines against the violators of the City's code of ordinances in accordance with the terms and conditions set forth herein and under Chapter 162, Florida Statutes.

Sec. 2-36.3 Creation of board; organization; qualifications; terms of office; officers.

(a) The city council shall appoint a seven (7) member code enforcement board and two (2) alternate members to serve on the board in the absence of board members. The members shall have the following qualifications and terms of office:

- (1) Members of the enforcement board shall be residents of the City of Rivers Beach. Appointments shall be made in accordance with applicable law and ordinances on the basis of experience and interest in the subject matter jurisdiction of the code enforcement board.
- (2) The membership of the board shall, whenever possible, consist of:
 - a. An architect
 - b. A businessman
 - c. An engineer
 - d. A general contractor
 - e. A subcontractor
 - f. A realtor or broker
- (3) No member of the enforcement board may be an employee of the City of Riviera Beach.

(b) In order that terms of office of all members will not expire at the same time, the initial appointments to the enforcement board shall be as follows:

- (1) Two (2) members shall be appointed for a term of one year.
- (2) Three (3) members shall be appointed for a term of two (2) years.
- (3) Two (2) members shall be appointed for a term of three (3) years.

Thereafter, all appointments shall be made for a term of three (3) years. Any member may be reappointed from term to term upon the approval of the city council.

i. Appointments to fill any vacancy on the enforcement board shall be for the remainder of the unexpired term of office. Any member who fails to attend two (2) out of three (3) successive meetings without cause and without prior approval of the chairperson, the acting chairperson, shall automatically forfeit his or her appointment and the city council shall promptly fill such vacancy.

ii. Each member of the board shall vote on every motion; however, in the event of a conflict of interest as defined in Part III of Chapter 112, Florida Statutes, entitled "Code of Ethics for Public Officers and Employees," such member shall not vote or participate in the discussion of said matter and thereafter, within fifteen (15) days after the vote occurs, shall file a "Disclosure of Voting Conflict, Form 4" with the City Clerk and said disclosure is to be incorporated into the minutes of that meeting.

(c) The members of the enforcement board shall elect a chairperson. The presence of four (4) or more members shall constitute a quorum of the enforcement board. Members shall serve without compensation, but may be reimbursed for such travel expenses, mileage expenses, and per diem expenses as may be authorized by the city council.

(d) The members shall serve in accordance with the code of ordinances and may be removed or suspended for cause as provided in such ordinance for the removal of members of the board.

Sec. 2-36.4. Powers of the enforcement board.

The enforcement board shall have the power to:

- (a) Adopt rules for the conduct of its hearings.
- (b) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the city's police department or code inspector.
- (c) Subpoena evidence.
- (d) Take testimony under oath.
- (e) Admit material into evidence.
- (f) Issue orders having the force of law commanding whatever steps are necessary to bring violation into compliance.

Sec. 2-36.5. Enforcement procedures.

(a) It shall be the duty of the code inspector to initiate enforcement procedures of the various codes, however, no member of the board shall have the power to initiate such enforcement proceedings.

(b) Except as provided in subsections (c) and (d), if a violator of the codes is found, the code inspector shall notify the violator and give said violator a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction in the notice of violation, the code inspector shall notify the enforcement board and request a hearing. Written notice of hearing

before the board shall be hand delivered or mailed to said violator as provided herein.

(c) If the code inspector has reason to believe a violation presents a serious threat to the public health, safety and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator, and may immediately notify the enforcement board to request a hearing.

(d) If a repeat violation is found, the code inspector shall notify the violator, but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to section 2-36.9. The case may be presented to the enforcement board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state.

Sec. 2-36.6. Conduct of hearings.

(a) The chairperson of the enforcement board may call hearings of the enforcement board and hearings may also be called by written notice signed by at least three (3) members of the enforcement board. Minutes shall be kept of all hearings by the enforcement board and all hearings shall be open to the public.

(b) The office of the city clerk is designated as the department to provide such clerical and administrative personnel as may be reasonably required by the enforcement board for the proper performance of its duties, keep all records of the board and collect fines when assessed and collected.

(c) Each case before the enforcement board shall be presented by the city prosecutor or by a member of the administration staff of the city.

(d) The enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The enforcement board shall take testimony from the code inspector, the alleged violator and all other material witnesses. Physical evidence may be admitted into evidence by the board. Formal rules of evidence shall not apply however, fundamental due process shall be observed and govern said proceedings.

(e) At the conclusion of the enforcement board hearings, said board shall issue findings of fact based on evidence of record and conclusions of law, and shall issue a written order affording the relief consistent with powers granted herein. The findings and conclusions shall be by motion approved by a majority of those present and voting, except that at least four (4) members of the enforcement board must vote for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not complied with by said date.

(f) A certified copy of such order maybe recorded in the public records of the county and shall constitute notice to any subsequent purchaser, successors interest, or assigns if the violation concerns real property, and the findings

therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchaser, successor in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

Sec. 2-36.7. Appeal.

An aggrieved party may appeal a ruling or written order of the enforcement board by certiorari to the circuit court of the Fifteenth Judicial Circuit in and for Palm Beach County. An appeal shall be filed within thirty (30) days of the execution of the written order to be appealed.

Sec. 2-36.8. Administrative fines; liens.

(1) The code enforcement board, upon notification by the code inspector that an order of the enforcement board has not been complied with by the set time or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the enforcement board for compliance or, in the days of a repeat violation, for each day the repeat violation continues past the date of notice to the violator of the repeat violation. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall be necessary for issuance of the order imposing the fine.

(2)(a) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation.

(b) In determining the amount of the fine, if any, the enforcement board shall consider the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violation committed by the violator.

(c) An enforcement board may reduce a fine imposed pursuant to this section.

(3) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. After 3 months from the filing of any such lien which remains unpaid, the enforcement board may authorize the local governing body attorney to foreclose on the lien. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under S.4, Art. X of the State Constitution.

(4) No lien provided under the Local Government Code Enforcement Boards Act shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that incurs in the foreclosure. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded."

SECTION THREE

This Ordinance shall take effect immediately upon final passage by the City Council.

PASSED and APPROVED on first reading this 4th day of October, 1989.

PASSED and ADOPTED after public hearing this 18th day of October, 1989.

APPROVED:

[Signature]
MAYOR

[Signature]
CHAIRMAN

(MUNICIPAL SEAL)

[Signature]
CHAIR PRO TEM

[Signature]
CITY CLERK

[Signature]
COUNCIL

	1st Reading	2nd & Final Reading
Motioned by:	<u>J. Cunningham</u>	<u>A. Fox</u>
Seconded by:	<u>J. McGann</u>	<u>J. McGann</u>
J. Goode	<u>aye</u>	<u>aye</u>
E. Wade	<u>aye</u>	<u>aye</u>
J. McGann	<u>aye</u>	<u>out</u>
J. Cunningham	<u>aye</u>	<u>aye</u>
A. Fox	<u>aye</u>	<u>aye</u>

"APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF RIVIERA BEACH, FLORIDA ONLY"

[Signature]
10/19/89

RDH/sjw
9.26.89

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.

[Signature]
Gwendolyn E. Davis, City Clerk

ORDINANCE NO. 2470

AN ORDINANCE OF THE CITY OF RIVIERA BEACH,
PALM BEACH COUNTY, FLORIDA, HEREBY ADDING A
NEW ARTICLE III TO CHAPTER 9 RELATING TO FIRE
ENTITLED "ALARMS", THEREBY REGULATING BOTH
BURGLAR AND FIRE ALARM SYSTEMS WITHIN THE
CITY LIMITS; PROVIDING AN EFFECTIVE DATE.

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

SECTION ONE

That Article III of Chapter 9 of the Code of Ordinances
of the City of Riviera Beach, consisting of Section 9-32
through 9-35 inclusive, reading as follows, IS HEREBY
ENACTED.

"ARTICLE III
ALARMS

Sec. 9-32. Alarms--Regulation of burglar alarms.

(a) Definitions. For the purpose of this section,
whenever any of the following words or terms are used
herein, they shall have the meanings ascribed to them in
this subsection:

- (1) **Alarm** means any device which is used in a building or premises for the detection of unauthorized entry, burglary, or any other criminal activity, and which when activated emits a sound, signal, or message to alert others, whether emitted on or off the premises.
- (2) **Alarm business** means any person engaged in the business of selling, leasing, monitoring, maintaining, servicing, repairing, altering, building, place, or premises.
- (3) **Alarm user** means any person using an alarm or occupying or controlling a premises or building or a portion of a premises or building served by an alarm.
- (4) **Class A alarms** means those alarms activated by illegal entry or in response to criminal activity and includes alarms activated solely by an act of nature not contributed to by faulty design, maintenance, installations or use.
- (5) **False alarms** shall mean all activated alarms responded to by the police department which do not qualify as class A alarms, including but not limited to, alarms activated through inadvertence, neglect, accident, alarm testing, faulty installation or maintenance.
- (6) **Person** shall mean an individual, partnership, association, or corporation.

(b) **Alarm permit required.** No person shall have an alarm system installed to be operational, or use an existing alarm serving a premises or a building or portion

thereof, occupied or controlled by such person, unless an alarm permit in the form of a decal has been issued hereunder and is in force, authorizing the use of such alarm. Said alarm permit shall constitute a regulatory license. For any alarm existing prior to the effective date of this section, an alarm permit application shall be made within sixty (60) days of the effective date thereof.

(c) Application for alarm permit.

(1) Application for alarm permits shall be made to the building and inspection department on forms provided by that department. The application shall be signed by the alarm user and shall provide the following information.

- a. Name, address and telephone number of the alarm user.
- b. Address and telephone number of the alarm user's premises or building to be served by the alarm.
- c. The name, address and telephone number of the person or persons in charge of the premises or building served by the alarm.
- d. The name, address and telephone number of the person or entity installing said alarm.
- e. The name, address and telephone number of the person or entity monitoring said alarm.
- f. The name, address and telephone number of the person or entity providing maintenance and repair service to said alarm.
- g. An agreement by the alarm user, binding upon the alarm user's heirs and successors in interest, to promptly pay or lawfully contest any penalties assessed against the alarm user for any excessive number of false alarms as described by this section.

(2) An amended application shall be filed within ten (10) days after any change in the information provided in said application. Upon such amendment, a new alarm permit shall be issued without charge or fee.

(d) Term of permit; fee, nontransferable. An alarm permit shall have a term of one year from date of issuance, said term to begin October 1 and end September 30. Any alarm permit issued after October 1st will be valid through the next September 30th. A fee shall be charged the alarm user by the city for such permit issued, including successive renewal permits, to defray the cost of regulation. No alarm permit issued pursuant to this section shall be transferable or assignable and shall cover only one building or premises.

(e) Issuance of alarm permit. An alarm permit shall be mailed to the alarm user by the building and inspection department at the address of the alarm user stated on the application within ten (10) days after receipt of said completed application by the building and inspection department. An alarm permit shall be denied if:

- (1) The requested information is not supplied on the application.
- (2) Material information on the application is incorrect.

(3) Any person or entity listed on the application under items (c)(1)(d), (e) and (f) does not possess any required occupational or regulatory license to conduct the activities required by said items (c)(1)(d), (e) and (f), unless the person or entity is the alarm user.

(f) **Decal required.** Each alarm permit holder shall be issued an alarm decal by the Community Development and Environmental Control Department. Said decal shall be displayed in a conspicuous place visible to the outside of the premises covered by said permit.

(g) **Excessive false alarms declared a public nuisance.** The emission of more than three (3) false alarms within any six-month period of time is excessive and constitutes a nuisance and is hereby declared to be unlawful and a violation of this section. No person shall allow, permit, cause or fail to prevent the emission, by any alarm used by him, or any alarm serving a premises or a building occupied or controlled by such person of more than three (3) false alarms within any six-month period of time.

(h) **False alarm service charge; collection.** For response to excessive false alarms by the police department, the alarm user shall be charged a service fee by the city of twenty-five dollars (\$25.00) for the first false alarm in excess of three (3) false alarms in any six-month period, fifty dollars (\$50.00) for the second false alarm in excess of three (3) in any six-month period, and one hundred dollars (\$100.00) for the third and each successive false alarm in excess of three (3) in any six-month period. The chief of police or his designee shall determine whether a false alarm has occurred and the frequency of such false alarms. The City shall notify alarm users of amounts owed to the city and shall make demand therefore pursuant to the provisions of this section. The City Prosecutor may proceed by a suit in a court of competent jurisdiction to collect said charge after demand therefore has been made by the city and the payment thereof refused by the alarm user.

(i) **Interference with police department telephone trunk lines prohibited; alarm business central office required; identification required.**

(1) No person shall use or cause to be used any telephone or electronic device or attachment that automatically selects a public primary telephone trunk line of the police department or any other department or bureau of the City, and then reproduces any prerecorded message to report any burglary, unauthorized entry, or other emergency.

(2) No person shall provide alarm service system programmed to a central alarm reception office unless it shall have the central office staffed at all times, twenty-four (24) hours a day, including holidays.

(3) Any staff member of a private alarm service system reporting an alarm activation to which police response is requested shall identify himself and state the name and telephone number of the alarm business by which such response is requested.

(j) **Audible alarms.** All alarms which may be heard in any public place shall be equipped and maintained to automatically cut off no longer than thirty (30) minutes after being set off.

(k) **Exemptions.** This section shall not apply to fire alarm signals or to any alarms attached to motor vehicles or attached to any publicly owned property.

Sec. 9-33. Same - Regulation of fire alarms.

(a) **Definitions.** For the purpose of this section, whenever any of the following words or terms are used herein, they shall have the meanings ascribed to them in this subsection:

- (1) **Automatic fire detection system** shall mean any system employing heat detectors, smoke detectors, flame detectors, pull stations, or waterflow alarm elements for the purpose of detecting or reporting, and automatically transmitting an alarm of fire.
- (2) **Occupancy** shall mean any building or complex of buildings which because of the nature of the occupancy or size of the building is regulated by the Fire Prevention Code of the City of Riviera Beach.
- (3) **Alarm user** shall mean any person occupying or controlling the premises which contains an automatic fire detection device or system.
- (4) **Person** shall mean an individual, partnership, association, corporation, or other entity.
- (5) **False alarm signal** shall mean the transmission of a fire alarm signal indicating a fire emergency requiring the immediate response of a fire department, engine company or companies when a fire emergency does not exist and no evidence of such an emergency is apparent to the senior fire department officer arriving on the scene.
- (6) **Central station systems contractor** shall mean a person, firm or corporation whose principal business is the furnishing and maintaining of a supervised signaling service known as a central station system as defined below.
- (7) **Central station system** shall mean a system or group of systems in which the operation of circuits and devices are signaled automatically to, recorded in, maintained and supervised from an approved central station having competent and experienced observers and operators who, upon receipt of a signal, notify the fire department and take such other action as is required by the Fire Prevention Code of the City of Riviera Beach.

(b) **Excessive false alarm signals declared a public nuisance.** The transmission of more than three (3) false alarm signals by an automatic fire detection system protecting any occupancy within any twelve-month period time of time is excessive and constitutes a serious public nuisance and is hereby declared to be unlawful and a violation of this section. No person shall allow, permit,

cause or fail to prevent the transmission, for any reason, by an automatic fire detection system used by him, or any such system serving a premises or a building occupied or controlled by such person, of more than three (3) false alarm signals within any twelve-month period of time.

(c) False alarm signal service charge; collection.

- (1) For response to excessive false alarm signals by the fire department, the alarm user shall be charged a service fee by the City of one hundred dollars (\$100.00) for each false alarm signal in excess of three (3) false alarm signals in any twelve-month period.
- (2) For response to any false alarm signals by the fire department to alarms caused by, or erroneously reported by the central systems contractor or his agents in the performance of his work, the central station systems contractor shall be charged a service fee by the City of one hundred dollars (\$100.00) for each and every such false alarm signal, as he is a licensed professional in this field and procedures have been set up to avoid this problem.
- (3) The provisions of this subsection shall not apply for a period of three (3) months from the date a permit is issued by the City for the installation of an automatic fire detection system.
- (4) The senior officer present shall determine whether a false alarm signal has been transmitted and whether the alarm user or central station systems contractor is responsible.
- (5) The Captain (fire prevention bureau) shall keep up to date and current records of all violations.
- (6) The city shall notify the parties involved of amounts owed to the City and shall make demand therefor, pursuant to the provisions of this subsection.
- (7) The Legal Department may proceed by a suit in a court of competent jurisdiction to collect said charge after demand therefor has been made by the city and the payment thereof refused.

(d) Responsibility of central station systems contractor to report fire alarm signals. Nothing in this Article III shall be deemed to relieve a central station systems contractor of the responsibility of promptly reporting all automatic fire detection signals signaling a fire alarm from an occupancy supervised by them to the Riviera Beach Fire Department.

(e) Automatic fire detection system to be supervised as required by the fire department. It shall be unlawful and a violation of this section for any person to supervise an automatic fire detection system in a manner other than that manner prescribed for a central station system and in a manner approved by the Fire Department.

(f) **Enforcement through codes enforcement board.** The City shall have the authority to place a lien against the property serviced by an automatic fire detection system in the amount of all assessed service charges.

(g) **Exemptions.** This section shall not apply to burglar alarms or to any alarms attached to motor vehicles or attached to any publicly owned property.

Sec. 13-34. Same - Regulation of visual or audio security warning systems.

(a) It shall be the duty of the owner, occupier, tenant or person in control of any premises or mobile vehicle to discontinue any audio or visual security warning alarm upon the arrival of any authorized security personnel at the site of the property emitting such alarm.

(b) The City, through its Police Department or other authorized personnel, is directed and authorized to abate any audio or visual security warning alarm not otherwise under the control of any owner, occupier, tenant or person in control of any premises or mobile vehicle at the time of such personnel's arrival at the site of the property emitting such alarm by disconnecting such alarm, the use of forced entry on to the premises, the removal of vehicle or other methods available.

(c) Any costs incurred in the abatement of any audio or visual security warning alarm shall be a lien against the premises or mobile vehicle necessitating the employment of such abatement actions authorized herein.

Sec. 13-35. Enforcement and Penalty. Any person who shall violate any provision of this article shall, upon conviction thereof, be punished in accordance with Section 1-8 of the code of ordinance provided for herein. The City may also initiate action before the appropriate tribunal to obtain compliance with this article. Further, the city shall have the authority to place a lien against the property served by the alarm system in the amount of the assessed service charges.

SECTION TWO

That this ordinance shall be effective upon final passage by the City Council on Second Reading.

PASSED AND APPROVED on first reading this 4th
day of October, 1989.

PASSED AND ADOPTED on second and final reading this
18th day of October, 1989.

APPROVED:

Alan K. Williams
MAYOR

[Signature]
CHAIRMAN

ATTEST:

[Signature]
CHAIR PRO TEM

[Municipal Seal]

[Signature]
CITY CLERK

[Signature]
COUNCIL MEMBERS

1st Reading

2nd & Final Reading

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

A. Fox
J. Cunningham

J. Goode aye
E. Wade aye
J. McGann aye
J. Cunningham aye
A. Fox aye

aye
aye
aye
aye
aye

RDH/sjw
9/13/89

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF RIVIERA BEACH, FLORIDA
ONLY

[Signature]
10 19 1989