

**PART I - CITY CHARTER<sup>(1)</sup>**

Footnotes:

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**Editor's note**—Printed herein is the Council-Mayor-Manager Charter of Riviera Beach, initially adopted by referendum on April 17, 1973, as amended, and as subsequently revised by referendum of March 11, 2008 to create a new, revised City Charter which generally supersedes and replaces the earlier one.

Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the March 11, 2008, Charter. For stylistic purposes in the text of the Charter, a uniform system of headings, catchlines, citations to state statutes, capitalization and expression of numbers in text has been used.

**ARTICLE I. - CITY AND POWERS****Section 1. - Municipality abolished and recreated.**

That the municipal corporation now existing and known as the City of Riviera Beach, in Palm Beach County, Florida, be and the same is hereby abolished, and a new municipality to be known as the City of Riviera Beach, in Palm Beach County, Florida, is hereby created and established to succeed such former municipality. The City of Riviera Beach hereby created and established shall embrace and include all that territory in Palm Beach County, Florida, described as follows, to wit:

Beginning at the Northwest corner of section 29, Township 42 South, Range 43 East, of the Tallahassee Meridian; thence East along the North lines of said Section 29, Section 28, and Section 27, of the said Township and Range to the centerline of the Intracoastal Waterway; thence Northerly along said centerline to a point of intersection with a line parallel to and 1,294 feet South of the North line of Section 22 and the centerline of the Intracoastal Waterway; thence Easterly along said line parallel to and 1,294 feet South of the North line of said Section 22 to a point in the Westerly boundary of the submerged land area conveyed by the Trustees of the Internal Improvement Fund of the State of Florida to the Lake Worth Realty Company, a Florida Corporation by Trustee's Deed No. 17145 recorded in Deed Book 205, page 82, Public Records of Palm Beach County, Florida; thence Northerly along said Westerly boundary to a point of intersection with a line parallel to and 8,000 feet Southerly from, measured at right angles to, the North line of section 10; thence Easterly along said line parallel to and 8,000 feet South of the North line of said section 10 to the water's edge of the Atlantic Ocean, thence Southerly along the water's edge of the Atlantic Ocean to the Point of intersection with the Southerly line of a tract of land in Palm Beach County known as Replat of Yacht Harbor, as the same is shown on plat recorded in Plat Book 23, page 57, of the Public Records of Palm Beach County, Florida; thence continuing Southerly along the water's edge of the Atlantic Ocean to a point in a line 1,000 feet South of, measured at right angles to, the South line of said Replat of Yacht Harbor; thence on a true West line and parallel to the South line of said Replat of Yacht Harbor to a point in the Southerly extension of the centerline of that part of State Road No. 703 (formerly State road No. 140) which runs Northerly and Southerly through said Replat of Yacht Harbor; thence continuing on the same course West a distance of 1,539 feet; thence along a line with a bearing of North 83°03'30" West to its intersection with the centerline of the channel of the Intracoastal Waterway, as now established; thence Southwesterly and Southerly along said channel centerline to the South line of said Township 42 South, Range 43 East, thence Westerly along said township line to the Southwest corner of section 32 of said township and range, thence continue Westerly to the East right-of-way line of Military Trail, being State Road 809; thence Southerly along said East right-of-way line of Military Trail a distance of 700 feet, more or less, to the centerline of Up the Grove Lane, thence Easterly along said centerline of Up the Grove Lane a distance of 675 feet, more or less, to the westerly line extended of that property having a property control number of 58-42-43-01-00-000-1240; thence Southerly along said Westerly line, and its extension, a distance of 330 feet, more or less, to the Southerly line of said property; thence Westerly along said Southerly line, a distance of 675, more or less, to the East right-of-way line of Military Trail, being State Road 809; thence Southerly along said



East right-of-way line, a distance of 330 feet, more or less, to the North right-of-way line of Lake Arjaro Drive extended to Military Trail; thence Westerly along said North right-of-way line, and its extension, a distance of 950 feet, more or less, to the Southeast boundary line of Gramercy Park, Unit 5, recorded in Plat Book 32, page 15, Palm Beach County Records; thence Northeasterly along said Southeast boundary line, a distance of 500 feet, more or less, to a point of intersection of said Southeast boundary line with the East boundary of said Gramercy Park; thence Northwesterly along said East boundary, a distance of 100 feet, more or less, to the Southeast and East right-of-way line of Cayman Circle East; thence Northeasterly, and Northerly, along said right-of-way line, a distance of 550 feet, more or less, to the Southeast corner of the portion of Cayman Circle East privately owned and having a property control number of 00-42-43-01-000-00-3022; thence Westerly, Northerly, Northwesterly, Northerly, and Easterly, totaling a distance of 200 feet, more or less, along the South, Southwest, West, and North sides of said privately owned portion of Cayman Circle East, to the Southeast corner of Lot 9, Block 18, of said Gramercy Park; thence Northerly, along the East line of said lot 9 and its Northerly extension, a distance of 200 feet, more or less, to the South line of Plat NO. 1 of Lone Pine Estates, recorded in Plat Book 33, page 33, Palm Beach County Records; thence Westerly, along said South line, a distance of 2,250 feet, more or less, to the centerline of Haverhill Road; thence Northerly, along said centerline of Haverhill Road, a distance of 4,650 feet, more or less, its intersection with Dyer Boulevard; thence continue Northerly and Northwesterly, along said centerline, straight and curved, of Haverhill Road, to a point opposite of and even with the Southern property corner of that property having a property control number of 00-42-42-22-600-00-1010; thence Easterly, to the East right-of-way line of Haverhill Road, and the Southerly corner of said property; thence Northerly, along the East line of said property, a distance of 250 feet, more or less, to the Northeast corner of said property; thence Westerly, along the North line of said property, a distance of 120 feet, more or less, to the centerline of said Haverhill Road; thence Northwesterly, along the centerline of said Haverhill Road, a distance of 270 feet, more or less, a point opposite to and even with the property having a property control number of 00-42-42-26-600-00-5040; thence Northeasterly, radial to Haverhill Road, to the Easterly right-of-way line of Haverhill Road and the Southerly corner of said property; thence Northerly, along the East line of said property, a distance of 350 feet, more or less, to the Northeast corner of said property; thence Westerly, along the North line of said property, a distance of 320 feet, more or less, to the centerline of said Haverhill Road; thence Northwesterly and Northerly, along the centerline of said Haverhill Road, a distance of 2,550 feet, more or less, to the intersection of the centerline of Haverhill Road with the centerline of Bee Line Highway; thence Southeasterly, along the centerline of Bee Line Highway, a distance of 1600 feet, more or less, to the West line of Woodbine Parcel E, recorded in Plat Book 78, page 113, Palm Beach County Records, and the Southerly extension of said line; thence Northerly, along said Westerly line and its extension, a distance of 3,450 feet to the Northwest corner of Woodbine Parcel C, recorded in Plat Book 73, page 106, Palm Beach County Records; thence Easterly, along the North line of said Woodbine Parcel C, and its Easterly extension, a distance of 5,500 feet, more or less, to the Easterly right-of-way line of Interstate 1-95; thence Northerly, along the East right-of-way line of Interstate 1-95, a distance of 1,350 feet, more or less, to the centerline of Park Avenue West; thence Easterly, along the centerline of Park Avenue West, a distance of 700 feet to a point opposite to and even with the Northwest corner of that property having a property control number of 00-43-42-19-100-00-0010; thence Southerly, along the West line of said property, a distance of 375 feet, more or less, to the Northwest corner of that property having a property control number of 00-43-42-19-100-00-0022; thence Easterly, along the North line of said property, a distance of 300 feet, more or less, to the Northeast corner of said property; thence Southerly, along the East line of said property, a distance of 175 feet, more or less, to the Southeast corner of said property; thence Westerly, along the South line of said property, a distance of 300 feet, more or less, to the Southwest corner of said property; thence Southerly, along the afore mentioned property line extended, a distance of 750 feet, more or less, to the North right-of-way line of the Northern P. B. County Water Control District Canal EPB 6; thence Westerly, along said North right-of-way line, a distance of 420 feet, more or less, to the Southwest corner of Lot 8, "Central Industrial Park North", recorded in Plat Book 51, page 123, Palm



Beach County Records; thence Southerly, a distance of 650 feet, more or less, to the centerline of Central Industrial Drive North; thence Westerly, along said centerline, a distance of 275 feet, more or less, to the centerline of Byron Drive extended; thence Southerly, along said centerline, a distance of 1400 feet, more or less, to the Southwest corner of Parcel I of "Central Industrial Park" recorded in Plat Book 30, page 37, Palm Beach County Records; thence Easterly, along said South line, a distance of 600 feet, more or less, to the West right-of-way line of Enterprise Drive; thence Southerly, along said right-of-way line, a distance of 500 feet, more or less; thence Westerly a distance of 250 feet, more or less; thence Southerly a distance of 150 feet, more or less; thence Westerly a distance of 400 feet, more or less, to the East right-of-way line of Interstate 95; thence Southerly, along said East right-of-way line, a distance of 100 feet; thence Westerly, along the South right-of-way line of Woods Edge Circle, and its Easterly and Westerly extensions, a distance of 2,850 feet, more or less, to the East right-of-way line of Military Trail, being State Road 809; thence Southerly, along said East right-of-way line, a distance of 1100 feet, more or less; thence Easterly, a distance of 250 feet, more or less; thence Southerly, a distance of 250 feet, more or less, to the centerline of Blue Heron Boulevard; thence Easterly, along said centerline, a distance of 300 feet, more or less; thence Southerly, along the East line of the plat of 7200 Military Trail" recorded in Plat Book 48, page 185, Palm Beach County Records, a distance of 1600 feet, more or less; to the North right-of-way line of Bee Line Highway; thence Southeast, along said North right-of-way line, a distance of 2,600 feet, more or less; thence due North, a distance of 1,300 feet, more or less, to the West right-of-way line of Interstate 95; thence due East, a distance of 150 feet, to the centerline of Interstate 95; thence North-Northwest, along said centerline, a distance of 420 feet, more or less, to the Northwest corner of Section 31, Township 42 South, Range 43 East; thence Easterly, along the North line of said section 31, a distance of 200 feet, more or less; thence continue Easterly, along said North line, a distance of 2100 feet, more or less, to the West right-of-way line of Garden Road; thence Southerly along said West right-of-way line, a distance of 200 feet, more or less; thence Westerly a distance of 400 feet, more or less; thence Southerly a distance of 375 feet, more of less, to the centerline of Interstate Park Road North; thence Westerly along said centerline a distance of 50 feet, more or less; thence Southerly a distance of 500 feet to the centerline of Interstate Park Road South; thence Westerly a distance of 950 feet more or less to the centerline of Interstate Park Road West; thence Northwesterly a distance of 550 feet, more or less, to the centerline of Interstate Park Road North; thence Easterly along said centerline a distance of 800 feet, more or less; thence Northerly a distance of 500 feet, more or less; thence Westerly a distance of 1460 feet, more or less; thence Northwest a distance of 55 feet, more or less, to a point on the North line of said section 31, said point being 200 feet, more or less, East of the Northwest corner of said section; thence West, along said North line, a distance of 200 feet, more or less, to the Northwest corner of said section; thence Northerly a distance of 1000 feet, more or less; thence Easterly a distance of 1100 feet; thence Northerly a distance of 300 feet to the centerline of Blue Heron Boulevard; thence Westerly along said centerline a distance of 200 feet; thence Northerly a distance of 700 feet; thence Easterly a distance of 1000 to the West right-of-way line of Interstate 95; thence Northerly along said right-of-way line, a distance of 50 feet, more or less; thence Easterly a distance of 500 feet to the East right-of-way line of Interstate 95; thence Northerly, along said East right-of-way line, a distance of 300 feet, more or less to the South right-of-way line of Byron Drive; thence Easterly, along said right-of-way line, a distance of 575 feet, more or less; thence Southerly a distance of 250 feet; thence Easterly a distance of 400 feet, more or less, to the centerline of Central Industrial Drive; thence Southerly, along said centerline, a distance of 150 feet, more or less; thence Easterly a distance of 400 feet, more or less; thence Southerly a distance of 600 feet, more or less, to the centerline of Blue Heron Boulevard; thence Easterly, along said centerline, a distance of 800 feet, more or less, to the West right-of-way line of Garden Road; thence Northerly, along said West right-of-way line, a distance of 1200 feet, more or less; thence Westerly a distance of 550 feet; thence Southerly a distance of 150 feet, more or less; thence Westerly a distance of 350 feet, more or less; thence Southerly a distance of 200 feet, more or less, to the centerline of Industrial Way; thence Westerly, along said centerline, a distance of 400 feet, more or less, to the centerline of Central Industrial Drive; thence Northerly, along said centerline,

a distance of 1000 feet, more or less; thence Easterly a distance of 1500 feet, to the West line of the plat of "Thousand Oaks" recorded in Plat Book 100, page 135, Palm Beach County Records; thence Northerly, along said West line, a distance of 2100 feet, more or less, to the Westerly extension of the Southerly right-of-way line of Silver Beach Road; thence Easterly, along said right-of-way line and its extension, a distance of 1700 feet, more or less, to the Point of Beginning.

The latest legal description of the city which is set forth above shall be revised, from time to time, as provided by ordinance, so as to conform with annexations to the territory of the city, as authorized by F.S. § 166.031(3). The latest legal description of the city shall be maintained on file in the office of the city clerk, accompanied by a map to be used for convenience of reference. The city council may, by ordinance, authorize the legal description and map to be editorially provided as an appendix to this Charter.

#### Section 2. - Short title.

This Charter, adopted by the City Council of the City of Riviera Beach, shall be known and may be cited as the "Council-Mayor-Manager Charter of Riviera Beach."

#### Section 3. - Form of government.

The municipal government provided by this Charter shall be known as the "council-mayor-manager form of government." All powers of the city shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be described by ordinance, or as provided by the general laws of the State of Florida.

#### Section 4. - Seal.

The city shall have the right to adopt, use, and change a corporate seal. Such seal shall be the official seal of said city and shall be used only for said purpose and for such other purposes as the city council may authorize by ordinance.

#### Section 5. - Powers of the city.

To the fullest extent authorized by Article VIII, Section (2) (b) of the Florida Constitution and laws implementing the municipal home rule powers, the City of Riviera Beach shall have all governmental, corporate, and proprietary powers possible for a city to have under the constitution and laws of this state in order to conduct municipal government, perform municipal functions, and render municipal services, and shall possess all other home rule powers. These powers shall be available as fully and completely as though they were specifically enumerated in this Charter, unless prohibited by the provisions of this Charter. Except as otherwise provided by this Charter and ordinances adopted by the city council pursuant to authority provided herein or by applicable law, all powers of the city and the determination of all matters of policy shall be vested in the city council.

#### Section 6. - Effect of this Charter on existing law.

- (a) All laws and parts of laws relating to or affecting the City of Riviera Beach in force when this Charter shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this Charter.
- (b) All registration rolls of voters, of qualified electors, freeholder or otherwise, prior to the taking effect of this Charter shall continue in full force and effect, notwithstanding the fact that the former City of Riviera Beach was abolished, and such lists, rolls, records and/or books that existed prior to the taking effect of this Charter shall continue in full force and effect and shall be considered to be the registration rolls of the city created under this Charter.
- (c) Insofar as the provisions of this Charter are the same terms or in substance and effect as provisions of law in force when this Charter shall take effect, relating to or affecting the City of Riviera Beach, the provisions of this Charter are intended to be not a new enactment but a continuation of such provisions of law, and this



Charter shall be so construed and applied.

- (d) Nothing herein shall be construed to impair the authority of the city's community redevelopment agency or the city's utility district.
- (e) All powers previously conferred upon the city by special act are hereby preserved.

Section 7. - Adoption by ordinance, resolution or motion.

That all powers conferred upon the city by this article shall be exercised by ordinance adopted by the city council except as otherwise required or permitted by this Charter, or by adopted resolution or motion, when appropriate.

## ARTICLE II. - GOVERNMENT

Section 1. - City council-mayor-qualifications.

- (a) That, except as otherwise provided, all powers of the city conferred and provided in this Charter shall be vested in, and exercised by, a mayor and a city council consisting of five residents all of whom shall be qualified electors residing in the city, and who shall be elected from the city at large. Any person of the council or the mayor ceasing to possess any of the qualifications herein specified, or who should be convicted of a felony while in office, shall immediately forfeit his/her office. The term "convicted" shall embrace pleas of "guilty" or "nolo contendere," or forfeiture of bonds. The city council may by ordinance implement this provision and provide for the automatic forfeiture of such office upon conviction of a felony and may provide for other appropriate penalties for conviction of lesser crimes as determined by the city council at a hearing.
- (b) Only electors of the city who have resided continuously in the city for one year preceding the date of filing for office shall be eligible to hold the office of mayor or councilperson, except that the candidates for districts 1, 2, 3, and 4 must reside within the respective district for the required one-year period.

Section 2. - Filing and qualification by districts and groups.

Elections as hereinafter provided for two councilpersons from the city at large shall be held on the first Tuesday in April, 1974, and biennially thereafter and on the second Tuesday in March, 1994, and biennially thereafter. The aforesaid candidates for the two offices of councilperson to be elected, shall each file and qualify by selecting the group in which he/she wishes to qualify and the two said groups shall be known and designated as group 2 and group 4 respectively. Elections as hereinafter provided for three councilpersons from the city at large and the mayor shall be held on the first Tuesday in April, 1975 and biennially thereafter and on the second Tuesday in March, 1993, and biennially thereafter. The aforesaid candidates for the three offices of councilperson, to be elected, shall each file and qualify by selecting the group in which he/she wishes to qualify and the three said groups shall be known and designated as group 1, group 3, and group 5, respectively. Once a candidate has selected the group in which he/she wishes to qualify, he/she shall not switch to another group.

The City of Riviera Beach shall be divided into four voting districts, however, the election shall be city-wide. The mayor and the candidates in group 5 shall be elected at large and without regard to districts.

The city council shall by ordinance set the boundaries of districts 1, 2, 3, and 4 by January 1, 1975 and either confirm, modify or change the district by January 1, 1985 and every ten years thereafter. Each district shall be as nearly as practicable equal in population and the districts must not vary more than eight percent in population at the time of creating said districts or the adjustment thereof every ten years. Appropriate city staff, as designated by the city manager, shall review the district boundaries and recommend any necessary revisions to the city council.

Elections shall be held in districts 2 and 4 on the first Tuesday in April, 1976, and biennially thereafter and on the second Tuesday in March, 1994, and biennially thereafter. The candidates for the two offices of council to be elected shall file and qualify by selecting the district in which he/she resides.



Elections shall be held for districts 1 and 3 and group 5 and the mayor on the first Tuesday in April, 1977 and biennially thereafter and on the second Tuesday in March, 1993, and biennially thereafter. The candidates for districts 1 and 3 shall file and qualify by selecting the district in which he/she resides. The mayor and the candidates in group 5 shall file and qualify without regard to district.

Commencing with the March 2012 general election and continuing thereafter, elections shall be held for group 2 and group 4 every three years, and the councilpersons in group 2 and group 4 shall serve a term of three years. Commencing with the March 2013 general election, and continuing thereafter, elections shall be held for the mayor and councilpersons in group 1, group 3 and group 5 every three years, and the mayor and councilpersons in group 1, group 3 and group 5 shall serve a term of three years.

(Ord. No. 4009, § 1, 1-18-12)

**Editor's note**— Although certain portions of this section 2 are obsolete by virtue of having been superseded by later provisions of this section or as a result of having already been accomplished, they have been retained herein for the purposes of tracing the evolution of this section and of assuring the consistent application of the provisions of this section to the electoral process, and in light of the circumstance that further review and study of the electoral system by the charter review board has been noted by the city as an intended future undertaking.

Section 3. - Notice of candidacy—Filing fee.

In order for any person to qualify as a candidate for any elective offices, he/she shall file a notice with the city clerk that he/she will be a candidate for an office to be voted upon in the ensuing municipal general election in accordance with section 5-2 (a) of City's Code of Ordinances. The notice shall be accompanied by a filing fee of five percent of the annual salary of the office sought. Other fees shall be applicable as provided by Florida Statutes. The qualifying period may be revised by ordinance which is adopted by the city council.

(Ord. No. 4063, § 2, 6-3-15)

Section 4. - Date of election—Run-off elections.

The names of the persons so qualifying shall appear as candidates on the ballot for an election to be held on the second Tuesday in March of each election year. In case any one candidate for any office shall receive a majority of the votes of the registered and qualified electors of the city actually voting at such election, such person shall be deemed elected to such office. In case, as to any office, no candidate receives such a majority, then the two who receives the highest vote shall continue to be voted upon at an election to be held on the fourth Tuesday of March, and the one who then obtains a majority shall be deemed elected to such office. Election dates affected by any countywide or statewide election held in March will coincide with the date for the countywide or statewide election. If the initial election is held less than two weeks prior to the fourth Tuesday in March, then a run-off election, when necessary, shall be held the fifth Tuesday in March or the first Tuesday in April whichever is applicable.

(Ord. No. 4063, § 4, 6-3-15)

Section 5. - Run-off in case of tie.

In the event of a tie vote at a run-off election, the candidates, all of whom shall be qualified electors residing in the city, receiving the tie votes in each group shall continue to be voted on at a special run-off election to be held in the same manner and by the same officers holding the previous election.

In the event of a tie vote at the first election between the persons receiving the second highest number of votes cast, the names of those persons receiving such tie votes shall be placed on the ballot, with the person receiving the highest number of votes, so that at the run-off election a candidate can be elected to such office.

Section 6. - Elections nonpartisan.



All of the elections hereinabove provided for shall be nonpartisan and no ballots at any such elections shall contain any party designation.

Section 7. - Continuance of present officials.

The terms of the present elected city officials shall continue until successors thereto have been elected and qualified at the regular and runoff election hereinabove provided, and all shall take office at the next regular city council meeting after general election. At such time shall commence with selection of chair and chair pro-tem.

Section 8. - Official oath.

That the mayor, members of the city council, the city clerk, chief of police, any other police officer of the city, and any other persons required to take an oath, shall before entering upon the duties as such, and before being qualified to perform the duties of such official, make an oath of office in substantially the following form:

State of Florida, County of Palm Beach, City of Riviera Beach, I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States and the State of Florida and conform to the statutes and general laws of the State of Florida, and do all in my power to uphold, support and enforce the Charter and ordinances of the City of Riviera Beach, Florida, and perform the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_, A.D.

	Notary Public, State of Florida at Large
	My Commission Expires:

Such oath of office may be administered by the city clerk or the mayor of the city or by any person authorized to administer oaths in the state.

**Editor's note**— This section is not necessary, but supplements the oath required F.S. § 876.05.

Section 9. - Meetings of city council.

That at least one regular meeting of the city council shall be held in each calendar month at such time as may be fixed by resolution or ordinance, and special meetings shall be called by the city clerk upon written request of the mayor or two persons of the city council. All meetings of the city council shall be open to the public and the citizens or taxpayers of the city shall have an opportunity to be heard at meetings in regard to any subject pertaining to the city. This provision shall not be construed in any manner which impairs or interferes with the city's ability to provide for orderly meetings and to use the open meetings exemptions or exceptions which are provided by applicable law. Accordingly, such exemptions and exceptions shall be applicable to this section.

Section 10. - Salaries of elected officials.

The [annual] salaries of the elected officials of the city shall be \$19,000.00 for a councilperson of the city council and \$20,200.00 for the mayor. The city councilperson serving as chairperson shall be entitled to an annual stipend of \$1,200.00 in addition to the above stated salary.

**Editor's note**— At the March 11, 2008 Charter amendment election, the electors rejected an amendment of this section which was submitted pursuant to ballot item (9). Accordingly, this section was not affected by the results of the Charter amendment election, and continues to be subject to the provisions of the state law reference which is noted above.



**State Law reference—** Municipal home rule powers act, repeal of certain limitations, F.S. Sec. 166.021.

**Section 11. - Chairperson.**

The city council shall elect from its members a chairperson who shall act as mayor during the absence or other disability of the mayor and during such time shall have and exercise all the powers and duties of the mayor and shall be entitled to vote on all questions. The chairperson shall serve at the pleasure of the council. The council shall provide for a chairperson pro-tem to serve in the absence of the chairperson. The council may, by ordinance, restrict or limit the authority of the chairperson to exercise the veto authority of the mayor.

**Section 12. - Rules of the city council.**

The city council shall be the judge of the election and qualifications of its members and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers. The city council shall conduct its meetings in accordance with parliamentary proceedings as laid down in Robert's Rules of Order, Revised, and shall keep a journal of its proceedings. It shall have power to compel the attendance of absent members and may punish its members for disorderly behavior.

**Section 13. - Quorum.**

A majority of persons of the city council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members present at any meeting shall be necessary to adopt any ordinance, resolution, order or vote.

Each councilperson shall vote on matters unless otherwise required or authorized by the provisions of applicable law, including, but not limited to the Code of Ethics for Public Officers and Employees as set forth in F.S. Ch. 112, Pt. III, or F.S. § 286.012, or ordinance of the city council which provides additional ethics requirements.

**Section 14. - Final adoption of ordinances.**

That upon final passage and approval of an ordinance, it shall be signed by the councilpersons voting, and be signed by the mayor, or chairperson, in the absence or inability of the mayor, and the city clerk, and it shall be recorded in a book kept for that purpose. The mayor and city clerk shall sign all ordinances and resolutions even though he/she be not present at the meeting at which they were adopted; unless the mayor intends to veto an ordinance which he/she shall have the right to do, which veto must be entered into the record within five days of the passage of the ordinance, otherwise the ordinance shall stand adopted; provided, however, that the council may override the veto of the mayor by four affirmative votes.

**Section 15. - Mayor.**

A mayor shall be elected by the qualified voters of the city in the same manner as provided hereinabove for councilpersons. The mayor shall be recognized as head of the city government for all ceremonial purposes, by the courts for the purpose of serving civil process and by the governor of the state for military purposes. In time of public danger or emergency, he/she may, with the consent of the city council, take command of the police and maintain order and enforce the laws.

During his/her absence or disability his/her duties shall be performed by the chairperson of the city council. The mayor shall report to the city manager violation or neglect of duty on the part of employees of the city that may come to his /her knowledge. He/she may examine into the condition of the books, records and papers of any department, and the manner of conducting official business. He/she shall report to the city council all violations and neglect of duty of any official that may come to his/her knowledge; he/she may make such recommendations about the business and the general welfare of the city to the council as he/she deems advisable; he/she may communicate from time to time to the council such information and make



recommendations of the measures touching the public service as he/she may deem proper. He/she shall have a voice at the council meetings but he/she shall vote only in the matter of the appointment of a councilperson in case of a tie vote of the city council when a vacancy exists.

The mayor shall have power to suspend any officer or employee of the city, except members of the council, for misconduct in office or neglect of duty, but shall report his/ her action in writing to the council with the reasons thereof at the next regular meeting of the council for its approval or disapproval, and the said officer or employee shall stand and remain suspended only upon the approval thereof by a majority vote of the council, and upon disapproval thereby, shall receive his/ her compensation for the time during which he/ she was suspended.

#### Section 16. - City attorney.

The city council shall appoint an attorney and/or may employ a professional law firm which specializes in municipal government for the city at such compensation and with such duties consistent with the office as may be determined by the council. In the event that the city council enters into a contract for the provision of legal services with the city attorney or the law firm, the contract shall provide for an annual performance evaluation of the city attorney or the law firm by the city council. It is the responsibility of the city attorney or the law firm to notify the city council of any contract expiration three months in advance or city attorney or law firm may forfeit such contract.

#### Section 17. - Vacancies.

Whenever a vacancy shall occur in any elective office then such vacancy shall be filled by appointment by the city council and the mayor in case of a tie vote. The term of such appointment shall be only until the next general election, at which election the unexpired term, if any, shall be filled by the electors at a special election, from among candidates who qualify as hereinbefore provided.

#### Section 18. - Removal of officers and employees.

- (a) Any officer or employee appointed by the city manager or head of any department may be removed by the city manager or head of that department at any time, with the approval of the city manager; subject to the provisions of article III of this Charter.
- (b) The city manager shall have the power to appoint and remove any city officer or head of a department, except for the city attorney. However, the city manager shall have the power to remove any such city officer or head of a department only for justifiable cause. The city council may, by ordinance, define the term "justifiable cause" as used herein.

#### Section 19. - City council—Appointments.

The city council shall appoint the city manager and the city attorney (as provided by section 16 above) and shall set the salaries of the city manager and the city attorney. The city manager and the city attorney shall serve at the pleasure of the city council. In the event that the city council enters into an employment contract with the city manager, the contract shall provide for an annual performance evaluation of the city manager by the city council. The city council may, subject to annual budget procedures, appoint and set the salaries for its legislative staff, who shall serve at the pleasure of the council and whose responsibilities may be provided by ordinance. The legislative staff shall not, in any manner, interfere with the city manager.

#### Section 20. - City manager appointment.

The city council shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties in this Charter provided. No city councilperson shall receive such appointment during the term for which he/she shall have been elected. The council shall appoint the city manager for an



indefinite term and may remove him/her by a majority vote of its members. If a contract is required the city council may execute same and shall therein provide for an annual performance evaluation of the city manager as referenced in section 19, above.

In the event of a vacancy of the city manager's position, a temporary appointment shall be made not to exceed 120 days, after which time a city manager shall be appointed.

#### Section 21. - Qualifications of city manager.

The city manager shall be chosen by the city council on the basis of his/her executive and administrative qualifications with special reference to his/her actual experience in, or his/her knowledge of, accepted practice in respect to the duties of his/her office as hereinafter set forth. The city manager must present a resume of his/her credentials and shall become a bona fide resident of the city within 120 days of his/her appointment.

#### Section 22. - City manager—Duties—Powers.

The city manager shall be the chief administrative officer and the head of the administrative branch of the city government. He/she shall be responsible to the city council for the proper administration of all affairs of the city and to that end, subject to the personnel provisions of this Charter, shall have power and shall be required to:

1. Appoint, and when necessary for the good of the city, remove all officers and employees of the city, except as otherwise provided by this Charter, and except as he/she may authorize the head of a department or office to appoint and remove subordinates in such department or office;
2. Prepare the budget annually and timely submit it to the city council and be responsible for its administration after adoption;
3. Prepare and submit to the city council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;
4. Keep the city council advised of the financial condition and future needs of the city and make such recommendations as may seem to him/her desirable;
5. Perform such other duties as may be prescribed by this Charter or required of him/her by the city council, not inconsistent with this Charter.

The city manager shall attend all meetings of the city council, but shall have no vote therein. The city manager may take part in discussion of all matters coming before the city council. At the city manager's or council's request, the department directors and other officers may take part in discussions of the city council relating to their respective offices, departments or agencies.

#### Section 23. - Competitive bidding.

The city council may by ordinance provide requirements for soliciting competitive bids or proposals for the city's purchase of supplies, materials, equipment, services or improvements.

#### Section 24. - Appropriations for major disasters and catastrophes.

In accordance with the formula set forth hereinafter, the city council shall, pursuant to this section, each budget year make an appropriation to cover the potential cost to the city resulting from a major disaster and/or catastrophe. Subject to the annual budget public hearing and adoption process, each budget year the council shall appropriate 1½ per centum of its total estimated annual ad valorem tax revenue, which shall be set aside in a separate fund known as the "major disaster fund." The balance in this fund shall be carried forward in the budget from year to year. Expenditures from this fund shall be made by resolution of the city council, approved by at least three members.

#### ARTICLE III. - CIVIL SERVICE



## Section 1. - Civil service for employees of the city.

The City of Riviera Beach shall have a civil service system for the employees of the city.

The civil service system for the employees shall be managed and controlled by two civil service boards one for the police and fire departments and the other for the general employees of the city. Each board shall be composed of at least five members but not to exceed seven members.

The fire department, the police department and the general employees of the city shall have the right to elect from their respective departments at least two of their fellow employees who shall serve on the board on all matters pertaining to their respective department. The city council shall appoint the remaining members to the police and fire department board and the general employees board.

## ARTICLE IV. - INITIATIVE, REFERENDUM

### Section 1. - General authority.

- (a) *Initiative.* The qualified voters of the city shall have power to propose ordinances or initiative amendments to the city council and, if the council fails to adopt an ordinance or initiative amendment so proposed, the qualified voters of the city shall have a right to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.
- (b) *Referendum.* The qualified voters of the city shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, the qualified voters of the city shall have a right to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program except on capital projects financed by tax revenue certificates for water and sewer systems, and shall not apply to any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

### Section 2. - Commencement of proceedings; petitioner's committee; affidavit.

A minimum of five qualified voters of the city may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it with the city clerk in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and outlining in full the proposed initiative ordinance or citing the ordinance or proposed amendment sought to be reconsidered or considered. Although the members of the petitioners' committee shall be responsible for circulating the petition and filing it in proper form, the petitioners' committee may authorize other persons to circulate the petition and act as circulators.

Promptly after the affidavit of the petitioners' committee is filed the city clerk shall issue the appropriate petition blanks to the petitioners' committee, to comply with the equal 15 percent of the total number of qualified voters registered to vote at the last regular election.

### Section 3. - Petitions.

- (a) *Number of signatures.* Initiative and referendum petitions must be signed by qualified voters of the city equal in number to 15 percent of the total number of qualified voters registered to vote at the last regular election.
- (b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for circulating and filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing, and precinct number or other identifying information. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance or proposed amendment sought to be reconsidered or considered.



- (c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed for verification an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he/she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed ordinance or amendment sought to be reconsidered or considered.
- (d) *Time for filing referendum and initiative petitions.* Referendum petitions must be filed within 30 days after adoption by the council of the ordinance sought to be reconsidered. Initiative petitions must be filed within 30 days after refusal or rejection of the council to pass a proposed ordinance or proposed amendment.

#### Section 4. - Procedure after filing.

- (a) *Certificate of city clerk; amendment.* Within 20 days after the petition has been verified for signatures and is filed the city clerk shall complete a certificate as to its sufficiency, specifying if it is sufficient or if insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the city clerk within two days after receiving the copy of the certificate. A supplementary petition may be filed within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 3, and within five days after it is filed the city clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the city clerk shall promptly present his/her certificate to the city council and the certificate shall then be a final determination as to the sufficiency of the petition.
- (b) *Council review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the city council. The city council shall review the certificate at its next regular meeting following the filing of such request and approve or disapprove it, and the city council's determination shall then be a final determination as to the sufficiency of the petition.
- (c) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

#### Section 5. - Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition; or
- (2) The petitioners' committee withdraws the petition; or
- (3) The council repeals the ordinance; or
- (4) Thirty days have elapsed after a vote of the city council on the ordinance unless a petition is in process.

#### Section 6. - Action on petitions.

- (a) *Action by city council.* When an initiative or referendum petition has been finally determined sufficient, the city council shall promptly consider the proposed initiative ordinance or initiative amendment in the manner provided therein or reconsider the referred ordinance by voting its repeal. If the city council fails to adopt a proposed initiative ordinance or fails to consider the proposed amendment without any change in substance



within 60 days or fails to repeal the referred ordinance within 30 days; or consider the proposed amendment after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance or proposed amendment to the voters of the city.

- (b) *Submission to voters.* The vote of the city on a proposed or referred ordinance or amendment shall be held not less than 30 days and not later than one year from the date of the final council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the city council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the city council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance or amendment shall be made available at the polls.
- (c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

#### Section 7. - Results of election.

- (a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance or proposed amendment vote in its favor, it shall be considered adopted upon certification of the election results by the city clerk and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the city council; or in the case an amendment to the Charter or Code of Ordinances. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) *Referendum.* If a majority of the qualified electors voting on a referred ordinance or amendment vote against it, it shall be considered repealed upon certification of the election results by the city clerk.

### ARTICLE V. - SUCCESSION IN GOVERNMENT

#### Section 1. - Riviera Beach a municipality.

That the said City of Riviera Beach, Palm Beach County, Florida, shall be and constitute a body politic and corporate and as such shall have perpetual existence and may sue, be sued, defend, plead, and be impleaded in all courts and places and shall exercise all the powers, privileges, and functions of municipalities prescribed, authorized and provided in the constitution and general laws of the State of Florida fully and completely, unless prohibited by the provisions of this Charter.

#### Section 2. - Present ordinances and resolutions not repealed.

That all ordinances and resolutions of the City of Riviera Beach, Palm Beach County, Florida, which have not been repealed or rescinded by the city council of the said city be, and the same are hereby validated, ratified and confirmed. Except if an ordinance has been challenged in court as of the date of the final approval hereof, such ordinance so challenged shall stand ratified or invalidated as the court or courts may order.

#### Section 3. - Rights of officers and employees reserved.

Nothing in this Charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the city or of any office, department or agency existing at the time when this Charter shall take effect, or any provision of law in force at the time when this Charter shall take effect and not inconsistent with the provisions of this Charter, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city or any office, department or agency thereof.

#### Section 4. - Continuance of present officers.



All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office or department of the city by the laws of the state shall, if such office or department be abolished by this Charter, or under its authority, be thereafter exercised and discharged by the office or department designated by the city council unless otherwise provided herein.

#### Section 5. - Continuity of offices or departments.

Any office or department provided for in this Charter with a name or with powers and duties the same or substantially the same as those of an office or department heretofore existing shall be deemed to be continuation of such office or department and shall exercise its powers and duties in continuation of their exercise by the office or department by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter within the scope of its regular powers and duties commenced by an office or department by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office or department, shall, so far as not inconsistent with the provisions of this Charter, apply to such office or department provided for by this Charter.

#### Section 6. - Transfer of records and property.

All records, property and equipment whatsoever of any office or department or part thereof, all the powers and duties of which are assigned to any other office or department by this Charter, shall be transferred and delivered to the office or department to which such powers and duties are so assigned. If part of the powers and duties of any office or department thereof are by this Charter assigned to another office or department, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office or department to which such powers and duties are so assigned.

#### Section 7. - Present taxes—Levies—Assessments validated.

That all tax rolls, tax assessments, tax levies and tax sales made by the said city or its officials, and all tax sale certificates and tax deeds issued by the said city or its officials, and all liens fixed and levied by the said city or its officials for street and sidewalk improvements, and all foreclosures instituted and consummated by the said city or its officials for the sale of lands for taxes and special assessments, and all decrees rendered and deeds issued pursuant to any foreclosure proceedings, be, and the same are hereby validated, ratified, and confirmed.

#### Section 8. - Bonds ratified.

That all refunding bonds issued by the said City of Riviera Beach and its officials, and all other bonds issued by the city to date of the final passage hereof, be, and the same are hereby validated, ratified, and confirmed.

#### Section 9. - Continuance of contracts and public improvements.

All contracts entered into by the city, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or Charter provisions existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and Charter provisions.

#### Section 10. - Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the city or any office or department or officer thereof, shall be affected or abated by the adoption of this Charter or by anything therein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office or department or officer party thereto may by or

under this Charter be assigned or transferred to another office or department or officer, but in that event the same may be prosecuted or defended by the head of the office or department to which such functions, powers and duties have been assigned or transferred by or under this Charter.

## ARTICLE VI. - LOCAL IMPROVEMENTS

### Section 1. - Adoption of state law.

The council shall make all local improvements in accordance with F.S. ch. 170 and the amendments thereto, provided however that 50 percent of the cost of all street and secondary drainage improvements shall be paid by the benefited property owner, provided further that council may determine the assessments for curbs, gutters, valley gutters, and sidewalks.

**Editor's note**— At the Charter amendment election of March 11, 2008 the electors rejected an amendment of this section 1 which was presented by Charter amendment ballot item (5). Accordingly, this section 1 was not affected by the results of the Charter amendment election, and continues to be subject to the state law reference which is noted above.

**State Law reference**— Municipal home rule powers act, repeal of certain limitations, F.S. § 166.021.

## ARTICLE VII. - GENERAL PROVISIONS

### Section 1. - Beach property not for sale.

The City of Riviera Beach, Palm Beach County, Florida, shall not have power to sell, and is hereby prohibited from selling any part of the municipal beach property owned by the City of Riviera Beach, Palm Beach County, Florida, on Singer Island in Township 42 South, Range 43 East, Palm Beach County, Florida, more fully described as:

Commencing at the northeast corner of section 27, township 42 south, range 43 east, Palm Beach County, Florida as shown on the plat of Palm Beach Shores recorded in Plat Book 23, page 30, Public Records of Palm Beach County, Florida; thence run westerly along the north line of said section 27, a distance of 224.9 feet to a point in the centerline of the right-of-way of State Road No. 703 (formerly State Road No. 140) as same is now laid out and in use; thence south 2° 36' 30" west (on an assumed bearing) along said centerline, and its southerly projection making an angle of 90° 42' 00" with the north line of said section 27, measured from east to south, a distance of 2,686.31 feet to a point in the easterly projection of the north line of said Palm Beach Shores, as shown on sheet 2; thence continue southerly along the same course 1,000 feet to a point in the north line of lot 348 of said Palm Beach Shores, thence east along the north line of said lot 384 and lot 383 a distance of 50.05 feet to the point of beginning and the southwest corner of the parcel of land herein described; thence continue east along the north line of lots 383, 382, 381, 380 and 379 to the westerly right-of-way line of Ocean Avenue according to the plat of said Palm Beach Shores, thence continue east across said Ocean Avenue to the northwest corner of lot 631 and the easterly right-of-way line of said Ocean Avenue; thence continue east along the north line of said lot 631 to the waters of the Atlantic Ocean; thence meandering the waters of the Atlantic Ocean in a northerly direction to a point of intersection with the easterly extension of the north line of said Palm Beach Shores; thence west along the easterly extension of the north line of said Palm Beach Shores to a point in the easterly right-of-way line of said State Road No. 703; the said easterly right-of-way line being parallel to and 50 feet easterly (when measured at right angles) to the said centerline of State Road No. 703; thence southerly along said easterly right-of-way line a distance of 1,000 feet to the point of beginning.

The bearings used in this description are assumed.

### Section 2. - Municipal beach area.



That portion of the property known as the "Sand Beach and Swimming Area" and more particularly described as follows:

Commencing at the point of intersection of the north line of lot 384 and the southerly projection of the centerline of State Road No. 703, according to the plat of Palm Beach Shores, recorded in Plat Book 23, page 30, Public Records of Palm Beach County, Florida; thence east along the north line of lots 383, 382, 381, 380 and 379, a distance of 458.27 feet to the point of beginning and the southwest corner of the herein described parcel of land; thence north 0° 47' 40" east along a line a distance of 999.05 feet, to a point of intersection with the north line of Palm Beach Shores extended easterly; thence east along said north line of Palm Beach Shores extended easterly to the waters of the Atlantic Ocean; thence southerly, meandering the waters of the Atlantic Ocean, to a point of intersection with the north line of lot 631, Palm Beach Shores; thence west along the north line of said lot 631 and its westerly extension to the point of beginning.

The bearings used in this description are assumed.

They shall be reserved for and perpetually used as a municipal beach and shall not be sold, leased or rented.

### Section 3. - Rental of beach property.

The City of Riviera Beach may from time to time enter into such rental agreements of portions of the municipal beach property owned by the City of Riviera Beach upon such terms and conditions as the city council may deem to be in the best interest of the city; however, no rental agreement, including options, shall exceed a period of 50 years. The land shall not be used for purposes other than those beneficial to tourism and recreation. The maximum height for any buildings or other structures on the municipal beach property shall be five stories. The municipal beach property is located in the City of Riviera Beach, Palm Beach County, Florida, on Singer Island in Township 42 South, Range 43 East, Palm Beach County, Florida, more fully described as:

Commencing at the northeast corner of section 27, township 42 south, range 43 east, Palm Beach County, Florida as shown on the plat of Palm Beach Shores recorded in Plat Book 23, page 30, Public Records of Palm Beach County, Florida; thence run westerly along the north line of said section 27, a distance of 224.9 feet to a point in the centerline of the right-of-way of State Road No. 703 (formerly State Road No. 140) as same is now laid out and in use; thence south 2° 36' 30" west (on an assumed bearing) along said centerline, and its southerly projection making an angle of 90° 42' 00" with the north line of said section 27, measured from east to south, a distance of 2,686.31 feet to a point in the easterly projection of the north line of said Palm Beach Shores, as shown on sheet 2; thence continue southerly along the same course 1,000 feet to a point in the north line of lot 348 of said Palm Beach Shores, thence east along the north line of said lot 384 and lot 383 a distance of 50.05 feet to the point of beginning and the southwest corner of the parcel of land herein described; thence continue east along the north line of lots 383, 382, 381, 380 and 379 to the westerly right-of-way line of Ocean Avenue according to the plat of said Palm Beach Shores, thence continue east across said Ocean Avenue to the northwest corner of lot 631 and the easterly right-of-way line of said Ocean Avenue; thence continue east along the north line of said lot 631 to the waters of the Atlantic Ocean; thence meandering the waters of the Atlantic Ocean in a northerly direction to a point of intersection with the easterly extension of the north line of said Palm Beach Shores; thence west along the easterly extension of the north line of said Palm Beach Shores to a point in the easterly right-of-way line of said State Road No. 703; the said easterly right-of-way line being parallel to and 50 feet easterly (when measured at right angles) to the said centerline of State Road No. 703; thence southerly along said easterly right-of-way line a distance of 1,000 feet to the point of beginning.

**Editor's note—** Section 3, in the form and substance which is set forth above, was adopted by referendum election of March 13, 2007, and was not altered at the March 11, 2008, Charter amendment election.

### Section 3.5. - City marina property.

The city's municipal marina shall not be sold. However, the city council may enter into management, license or lease agreements with marina users and/or outside operators for a term of not more than 50 years in order to facilitate marina activities, use or operations. This provision may be implemented by ordinance adopted by the city council.

(Res. No. 152-13, § 1, 11-20-13; Ord. No. 4039, § 1, 1-15-14)

**Section 4. - Separability clause.**

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

**Section 5. - Adoption by reference.**

The City of Riviera Beach shall have authority to incorporate into its laws or codes any law of the State of Florida, which may be applicable to a municipality, by the adoption of an ordinance referring to and describing such law, and such law, when so adopted by reference, shall be in full force and effect and as enforceable as any other law of the City of Riviera Beach, and the city shall have authority to adopt such other laws and ordinances as may be provided by the general laws of the State of Florida.

**Section 6. - Repeal of conflicting laws.**

That all laws or parts of laws in conflict herewith are hereby repealed.

**Section 7. - Effective date.**

This act shall take effect immediately upon its becoming a law. Upon approval by the majority of electors voting, the Charter amendments provided for herein [by Ordinance No. 3037] shall be effective as provided by the ordinance [Ordinance No. 3037] which submitted the amendments to the electors for approval.

**Editor's note—** The above document completes the revised City Charter which resulted from the Charter amendment election of March 11, 2008, at which 16 out of 20 Charter amendment ballot items which were presented to the electors were adopted.

Mayor	Thomas A. Masters
Council	Shelby L. Lowe, Chair
	Lynne L. Hubbard, Chair Pro Tem
	Norma C. Duncombe
	Cedrick Thomas
	James "Jim" Jackson
City Manager	William E. Wilkins



City Clerk	Carrie E. Ward, Master Municipal Clerk
City Attorney	Pamala H. Ryan
Charter Review Advisory Board Members	
Willie Bentley, Jr., Board Chair	
Audley G. Reid, Jr., PhD, Vice Chair	
Robert "Bob" Jones, Secretary	
Gerald Adams	
Bessie Brown	
Freddie L. Calloway	
John Clayton	
Donald Duncombe	
LaToya G. Ricketts, MPA, BSW	
Gordon Rowse	
Gerald M. Ward, PE, BME	
Marian Bacon White	
Steve White	
Special Legal Counsel to Charter Review Advisory Board	
David M. Wolphin, Esq.	