

ORDINANCE NO. 2055

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

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

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

<u>CLASS TITLE</u>	<u>CLASSIFICATION</u>	<u>PAY GRADE/RANGE</u>
Parks & Recreation	Recreation Superintendent	27
	Athletics Superintendent	27

SECTION 2. All ordinances or parts of Ordinances or Charter provisions in conflict herewith are to the extent of such conflict repealed.

SECTION 3. In the event that any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

SECTION 4. This Ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED and APPROVED on first reading this 19th day of December, 1979.

PASSED and ADOPTED on second and final reading this 9th day of January, 1980.

APPROVED:


Mayor

(MUNICIPAL SEAL)

Dary R. Nikolits
Chairman

Clement L.
Chairman Pro Tem

Cornelius Lawrence
Robert Dodd
Councilmen

ATTEST:

Spencer E. Davis
City Clerk

2nd READING

1st READING

MOTIONED BY: Guider

SECONDED BY: Dodd

G. NIKOLITS Aye

C. GUIDER Aye

R. DODD Aye

C. TOLBERT Absent

C. LAWRENCE Aye

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

W. E. ... 12-19-79

December 20, 1979

NOTICE OF PROPOSED ORDINANCE

The below Bill, described by title only will be placed on second and final reading at the Regular Meeting of the City Council of the City of Riviera Beach, Florida to be held on Wednesday, January 9, 1980 at 7:30 P.M. at the City Hall 600 West Blue Heron Boulevard and from time to time thereafter as may be necessary for the purpose of considering the enactment of the following Ordinance.

ORDINANCE NO. 2055

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

SAID ORDINANCE MAY BE INSPECTED BY THE PUBLIC AT ANY TIME DURING REGULAR BUSINESS HOURS IN THE OFFICE OF THE CITY CLERK AT CITY HALL.

Interested parties may appeal at said meeting and be heard with respect to the Ordinance.

BY ORDER OF CITY CLERK

Publish: January 2, 1980

2

ORDINANCE NO. 2056

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING PARAGRAPHS (a) AND (b) OF SECTION 10A-40. ENTITLED "TERMS, CONDITIONS, COVERAGE." OF ARTICLE III ENTITLED "SELF-INSURED LONG-TERM DISABILITY SALARY CONTINUATION PROGRAM" OF CHAPTER 10A ENTITLED "INSURANCE" OF THE CODE OF ORDINANCES BY PROVIDING DEDUCTIONS FROM BENEFIT RECEIVED FROM OTHER SOURCES FOR SERVICE CONNECTED DISABILITY; CREDIT FOR SERVICE DURING DISABILITY IN THE EVENT OF RECOVERY; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. That paragraphs (a) and (b) of Section 10A-40. entitled "Terms, conditions, coverage." of Article III. entitled "Self-Insured Long-Term Disability Salary Continuation Program" of Chapter 10A entitled "Insurance" of the Code of Ordinances are amended to read:

"Sec. 10A-40. Terms, conditions, coverage.
The terms, conditions, coverage and provisions of the program are as follows:

- (a) Benefits are payable under the program to any employee who receives a service connected ~~injury, -disease-or~~ disability and not otherwise, commencing on the ninety-first day from the date of total disability because of an accident or sickness, and the benefits shall be paid directly to the employee and shall be in an amount which will be the difference between ~~the-state-workmen's~~ all other compensation and benefit from any source paid the employee as the result of such service connected disability, including any payments arising from a third party claim, settlement or judgment and sixty-six and two-thirds (66 2/3) per cent of the employee's salary, to a maximum of one thousand dollars (\$1,000.00) per month beginning with the ninety-first day of disability and continuing for as long as age sixty-five (65) ~~for-disabilities caused-by-accident,-and-for-as-long-as-sixty (60)-months-or-to-age-sixty-five-(65) or the date of recovery from such disability which-ever first occurs, for-disabilities-caused-by sickness.~~ In the event of recovery from such disability prior to the age of sixty-five (65),

credit for service during the period of disability shall be granted for purposes of subsequent retirement benefits.

- (b) Benefits shall be reduced by any amount paid or payable under the disability or retirement provisions of the Social Security Act, including any payments for eligible dependents, any workmens' compensation or any Occupational Disease Act or Law; and State Compulsory Disability Benefit Law; and any disability, retirement or other benefits provided by or through the city; and any payments received from a third party claim, settlement or judgment, and any other payments received for such disability of whatever nature or discription.

SECTION 2. Any person violating any of the provisions of this Ordinance, shall upon conviction, be subject to the provisions of the uniform maximum penalty Ordinance, Ordinance No. 1123, enacted on October, 6, 1976.

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

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

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

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

PASSED and APPROVED on first reading this 9th day of January, 1980.

PASSED and ADOPTED on second and final reading this 23rd day of January, 1980.

APPROVED:



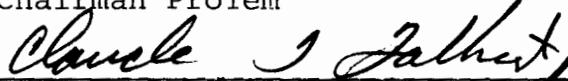
Mayor



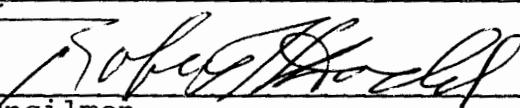
Chairman



Chairman ProTem



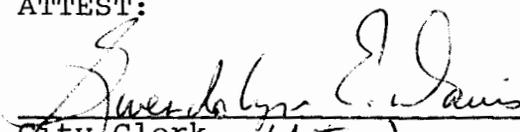




Councilmen

(MUNICIPAL SEAL)

ATTEST:



City Clerk (Acting)

r

The below Bill described by title only will be placed on second and final reading at the Regular Meeting of the City Council of the City of Riviera Beach, Florida to be held on Wednesday, January 23, 1980 at 7:30 P.M. at the City Hall, 600 West Blue Heron and from time to time thereafter as may be necessary for the purpose of considering the enactment of the following Ordinance.

ORDINANCE NO. 2056

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING PARAGRAPHS (a) AND (b) OF SECTION 10A-40. ENTITLED "TERMS, CONDITIONS, COVERAGE." OF ARTICLE III ENTITLED "SELF-INSURED LONG-TERM DISABILITY SALARY CONTINUATION PROGRAM" OF CHAPTER 10A ENTITLED "INSURANCE" OF THE CODE OF ORDINANCES BY PROVIDING DEDUCTIONS FROM BENEFIT RECEIVED FROM OTHER SOURCES FOR SERVICE CONNECTED DISABILITY; CREDIT FOR SERVICE DURING DISABILITY IN THE EVENT OF RECOVERY; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

Interested parties may appeal at said meeting and be heard with respect to the Ordinance.

BY ORDER OF CITY CLERK

Publish Jan. 16, 1980

2

ORDINANCE NO. 2057

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 20-59. ENTITLED "HEAVY VEHICLES---OPERATION ON CERTAIN STREETS PROHIBITED---ENUMERATION; EXCEPTIONS." OF DIVISION 1 ENTITLED "IN GENERAL" OF ARTICLE II ENTITLED "OPERATION OF VEHICLES" OF CHAPTER 20 ENTITLED "TRAFFIC" OF THE CODE OF ORDINANCES BY MAKING IT UNLAWFUL TO DRIVE OR OPERATE ANY VEHICLE WHERE PROHIBITED BY POSTED SIGN; PROVIDING EXCEPTIONS AND POSTING OF SIGNS, FURTHER PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. That Section 20-59. entitled "Heavy vehicles--operation on certain streets prohibited--enumeration; exceptions." of Division 1 entitled "In General" of Article II entitled "Operations of Vehicles" of Chapter 20 entitled "Traffic" of the Code of Ordinances is amended to read:

Sec. 20-59. Heavy vehicles--Operation on certain posted streets prohibited--Enumerations, exceptions.

It is unlawful for any person to drive or operate any truck vehicle over, across or upon the-following-streets-in-Monroe-Heights, Riviera-Beach,-First-Avenue,-Second-Avenue,-Third-Avenue,-Fourth, Street, any road, street or highway where prohibited by posted sign within the corporate limits of the city, unless the operation thereof is necessary for the purpose of collecting or discharging goods, wares or merchandise, to or from properties adjacent to-the above-named-streets thereto; or for delivery of other articles to property adjacent thereto. Provided, however, if such collection or delivery of goods is to be made in or upon any of such streets by such vehicles, they shall enter and leave at the nearest convenient street intersecting such street where collection or delivery

of goods is made, and the driver of such vehicles shall take the route which will enable them to do their business with the least practicable use of such streets; and further provided, however, that the provisions of this section shall not apply to garbage or other vehicles operated by the municipal government in providing municipal services, or any person or entity furnishing utility services for the inhabitants of the municipality.

For the purpose of construing the provisions of this section, any combination of trucks, tractors, trailers or other vehicles, shall be construed as a single vehicle in determining whether such combined unit exceeds the prohibited weight mentioned above.

No provision contained herein for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by any ordinarily observant person.

SECTION 2. Any person violating any of the provisions of this Ordinance, shall upon conviction, be subject to the Provisions of the uniform maximum penalty Ordinance, Ordinance No. 1123, enacted on October 6, 1976.

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

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

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

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

PASSED and APPROVED on first reading this 5th day of March, 1980.

PASSED and ADOPTED on second and final reading this 19th day of March, 1980.

APPROVED:

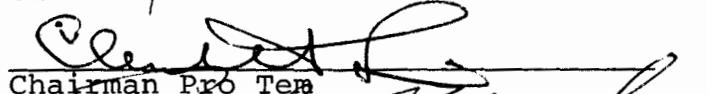


Mayor

(MUNICIPAL SEAL)



Chairman



Chairman Pro Tem





Councilmen

ATTEST:



City Clerk

Councilmen

1ST READING

2ND. READING

MOTIONED BY: Dodd

Guider

SECONDED BY: Guider

Lawrence

G. NICKOLITS Aye
C. GUIDER Aye
C. TOLBERT Absent
R. DODD Aye
C. LAWRENCE Aye

Aye
Aye
Absent
Aye
Aye

March 6, 1980

The below Bill described by title only will be placed on second and final reading at the Regular Meeting of the City Council of the City of Riviera Beach, Florida to be held on Wednesday March 19, 1980 at 7:30 P.M at the City Hall, 600 West Blue Heron Boulevard and from time to time thereafter as may be necessary for the purpose of considering the enactment of the following Ordinance:

ORDINANCE NO. 2057

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 20-59. ENTITLED "HEAVY VEHICLES---OPERATION ON CERTAIN STREETS PROHIBITED---ENUMERATION; EXCEPTIONS." OF DIVISION 1 ENTITLED "IN GENERAL" OF ARTICLE II ENTITLED "OPERATION OF VEHICLES" OF CHAPTER 20 ENTITLED "TRAFFIC" OF THE CODE OF ORDINANCES BY MAKING IT UNLAWFUL TO DRIVE OR OPERATE ANY VEHICLE WHERE PROHIBITED BY POSTED SIGN; PROVIDING EXCEPTIONS AND POSTING OF SIGNS, FURTHER PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

Interested parties may appeal at said meeting and be heard with respect to the Ordinance.

BY ORDER OF CITY CLERK

Publish: March 12, 1980

CW

EMERGENCY ORDINANCE NO. 2058

AN EMERGENCY ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE GENERAL FUND BUDGET OF INCOME AND EXPENDITURES FOR THE CITY FOR THE YEAR 1979-1980, BY INCREASING THE FUND CARRY-OVER FROM \$200,000. TO \$ 314,464.57 AND THE CONTINGENCY FUND FROM \$ 166,472. TO \$ 280,936.57; CITY COUNCIL'S DECLARATION OF AN EMERGENCY; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. The General Fund Budget of Income and Expenditures for the city for the year 1979-1980, is amended as follows:

- a. By increasing the Fund Carry-over from \$200,000. to \$ 314,464.57.
- b. By increasing the Contingency Fund from \$166,472. to \$ 280, 936.57.

SECTION 2. Any person violating any of the provisions of this Ordinance, shall upon conviction, be subject to the Provisions of the uniform maximum Penalty Ordinance, Ordinance No. 1123, enacted October 6, 1976.

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

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

PASSED and ADOPTED as an Emergency Ordinance this 6th

day of February, 1980

APPROVED:

[Signature]
Mayor

[Signature]
Chairman

[Signature]
Chairman Pro Tem

[Signature]

[Signature]

[Signature]
Councilmen

(MUNICIPAL SEAL)

ATTEST:

[Signature]
City Clerk

PASSED AND ADOPTED

- G. NIKOLITS _____
- C. GUIDER _____
- C. TOLBERT _____
- R. DODD _____
- C. LAWRENCE _____

r.

ORDINANCE NO. 2059

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 11 ENTITLED "LICENSES" OF THE CODE OF ORDINANCES BY REGULATING THE OPERATION OF AMBULANCES IN THE CITY OF RIVIERA BEACH; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

Chapter 11 entitled "Licenses" of the Code of Ordinances is amended by adding new sections which shall read:

SECTION 1. Ambulances-Definition. The term "ambulance" shall mean any vehicle designated, equipped and used to carry or transport sick and injured persons.

SECTION 2. Ambulance-Unlawful operation. It shall be unlawful for any person or entity to engage in the business of operating an ambulance within the city or from within the city to a point outside the city without first having obtained from the County of Palm Beach, Florida, a Certificate of Public Convenience and Necessity to operate an ambulance service in E.M.S. Zone 2 of Palm Beach County, except that such ambulance(s) may be operated within E.M.S. Zone 2 at the request of a representative of the holder of a Certificate of Public Convenience and Necessity for E.M.S. Zone 2 of Palm Beach County.

SECTION 3. Any person violating any of the provisions of this Ordinance, shall upon conviction, be subject to the Provisions of the uniform maximum Penalty Ordinance, Ordinance No. 1123, enacted on October 6, 1976.

SECTION 4. All Ordinances or parts of Ordinances or charter provisions in conflict herewith are to the extent of such conflict repealed.

SECTION 5. In the event that any provisions or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not thereby affected.

SECTION 6. Specific authority is hereby granted to codify this Ordinance.

SECTION 7. This Ordinance shall take effect upon its final passage and adoption by the City Council.

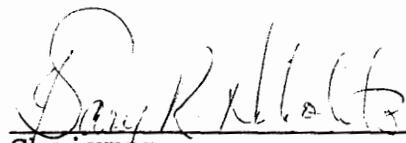
PASSED and APPROVED on first reading this 6th day of February, 1980.

PASSED and ADOPTED on second and final reading this 20th day of February, 1980.

APPROVED:



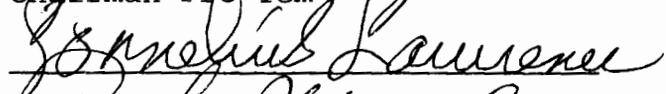
Mayor



Chairman



Chairman Pro Tem



Councilman



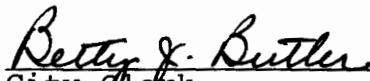
Councilman



Councilman

(MUNICIPAL SEAL)

ATTEST:



City Clerk

	<u>1ST READING</u>	<u>2ND READING</u>
MOTIONED BY:	<u>Tolbert</u>	<u>Guider</u>
SECONDED BY:	<u>Guider</u>	<u>Lawrence</u>
G. NIKOLITS	<u>Aye</u>	<u>Aye</u>
C. GUIDER	<u>Aye</u>	<u>Aye</u>
C. TOLBERT	<u>Aye</u>	<u>Aye</u>
R. DODD	<u>Aye</u>	<u>Aye</u>
C. LAWRENCE	<u>Aye</u>	<u>Aye</u>

r.

The below Bill described by title only will be placed on second and final reading at the Regular Meeting of the City Council of the City of Riviera Beach, Florida to be held on Wednesday, February 20, 1980 at 7:30 P.M. at the City Hall, 600 West Blue Heron Boulevard and from time to time thereafter as may be necessary for the purpose of considering the enactment of the following Ordinance.

ORDINANCE NO. 2059

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 11 ENTITLED "LICENSES" OF THE CODE OF ORDINANCES BY REGULATING THE OPERATION OF AMBULANCES IN THE CITY OF RIVIERA BEACH; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

Interested parties may appeal at said meeting and be heard with respect to the Ordinance.

BY ORDER OF CITY CLERK *KW*

Publish: Feb. ~~17~~¹³, 1980

Missing
Ordinance

2060

Deleted

ORDINANCE NO. 2061

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2051, ENACTED NOVEMBER 21, 1979, PROVIDING FOR COMMERCIAL AND INDUSTRIAL COST RECOVERY ASSESSMENT; PERMITS REQUIRED; SURCHARGE RATES FOR USERS OUTSIDE CITY LIMITS; BILLING DEPOSITS; CHARGE FOR ADDITIONAL BURDENS ON SEWAGE SYSTEM; FURTHER PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

That Ordinance No. 2051, enacted November 21, 1979, is amended by adding the following sections:

SECTION 1. SURCHARGE FOR STRONG WASTE

An additional charge shall be paid on a monthly basis by commercial or industrial users who discharge wastes into the sewer system which contain in excess of three hundred (300) parts per million of either BOD or suspended solids, as determined by periodic analyses.

Each commercial or industrial establishment known to discharge wastewater which may contain BOD or suspended solids in excess of these limits shall be monitored by sample analysis of these constituents with such frequency as may be determined by the director of utilities, but not less than once annually, and the results of the most recent analysis shall be used in determining the surcharge to be applied to that user's charge each month.

The strength surcharge shall be based on the ration that actual BOD or suspended solids content, less three hundred (300), bears to three hundred (300), multiplied by forty-five (45) per cent of the gallonage portion of the basic charge for that month, and as computed in accordance with the following formula:

$$\text{Surcharge} = \text{Gallonage charge} \times .45 \times \frac{\text{BOD} + \text{SS} - 600}{600}$$

WHERE:

BOD is actual BOD, but not less than 300.

SS is actual suspended solids, but not less than 300.

INDUSTRIAL COST RECOVERY:

Assessment: Upon completion of Riviera Beach's portion of the West Palm Beach Regional Treatment facilities, each

contributor of industrial wastes to the sewer system shall pay an annual industrial cost recovery assessment.

The total industrial cost recovery assessment for a particular user shall be computed in accordance with the following formulae:

$$(a) \text{ Basic assessment} = \frac{\text{Grants} \times \text{Flow}}{8,000,000}$$

$$(b) \text{ Strength assessment} = \frac{.46 \times \text{Basic assessment} \times (\text{BOD} + \text{SS} - 600)}{600}$$

$$(c) \text{ Total assessment} = \text{Basic assessment} + \text{Strength assessment}$$

Where:

Grants: Is the total federal contribution for construction of the sewage disposal system, in dollars.

Flow: Is as determined by taking the average flow per day during the two (2) successive months each year having the highest recorded flow from the user.

BOD: Is as determined by adding together the BOD determined by tests for each month (but not less than three hundred (300) for any month) and dividing the sum by twelve (12).

SS: Is as determined by adding together the suspended solids determined by tests for each month (but not less than three hundred (300) for any month) and dividing the sum by twelve (12).

Payment: The period of industrial cost recovery assessment shall be thirty (30) years or the useful service life of that part of the sewage disposal system to which the federal grants amount was applied, whichever is less, and shall begin at the time of commencement of operation of that part of the system. The assessment of a particular industrially classified user shall begin on the day he first receives beneficial use of that part of the system.

Unless specifically required otherwise by special agreement, each industrially classified user's assessment shall be paid in annual installments, each such installment being equal to one-thirtieth (1/30) of his total assessment based upon his actual usage each year.

Assessments or installments thereon which become delinquent shall bear interest, compounded monthly, at the rate of one per cent of the amount due per

month or fraction thereof which elapses between the date such payment is due and the date the payment is made.

SECTION 2. INDUSTRIAL AND COMMERCIAL WASTE DISCHARGE PERMITS:

Upon completion of Riviera Beach's portion of the West Palm Beach Regional Treatment facilities, a special permit will be required for each industrial, commercial or other type of business which is identified as having other than domestic wastes or waste from sanitary conveniences. The fixed life of a permit is set for one year from date of issue and a renewed waste discharge permit will have a fixed life of one year. These permits involve the implementation of a formula for surcharges for wastes which exceed the sewage parameters for strength and provide a basis for the determination of industrial cost recovery assessments, all as defined elsewhere herein.

The application for a waste discharge permit shall be of a form specified by the utilities director or his designated agent. This application will define all of the pertinent data concerning the acceptance of industrial and commercial waste flows and will provide the basis for the issuing of a permit certificate specifying limitations on what the user may discharge. The initial permit shall be effective for a period of one year only from the date of issuance and must be renewed annually. An application for an initial permit shall be accompanied by a check for fifty dollars (\$50.00) drawn in favor of the city as an application fee. The application for a renewed waste discharge permit shall be on a form furnished by the director of utilities and the annual renewal application fee shall be the same as the initial application fee.

SECTION 3. OUTSIDE CITY LIMITS:

The outside city rates shall be one and one-fourth (1 1/4) the inside city rates.

SECTION 4. BILLING DEPOSITS.

These shall be required and paid by each owner, at the time the permit is issued, a billing deposit in the same amount as the water billing deposit.

SECTION 5. ADDITIONAL BURDENS ON SEWAGE SYSTEM

In cases where the character of sewage from any manufacturing or industrial plant, building or premises shall be such as to impose a burden upon the sewage system in addition to the burden imposed by the average sewage entering the sewage system of the city, such additional sewer service charges shall be made therefor as the council upon the recommendation of the director of utilities shall deem to be fair and equitable to meet the additional cost of collection, treatment and disposal of such sewage; or the council may upon the recommendation of the director

of utilities, if it deems such action advisable, compel the owner, of such building, or premises to treat such sewage in such manner as shall be specified by the council before discharging such sewage into the sewerage system of the city.

SECTION 6. Any person violating any of the provisions of this Ordinance, shall upon conviction, be subject to the provisions of the uniform maximum Penalty Ordinance, Ordinance No. 1123, enacted on October 6, 1976.

SECTION 7. All Ordinances or parts of Ordinances or Charter provisions in conflict herewith are to the extent of such conflict repealed.

SECTION 8. In the event that any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

SECTION 9. Specific authority is hereby granted to codify this Ordinance.

PASSED and APPROVED on first reading this 6th day of February, 1980.

PASSED and ADOPTED on second and final reading this 20th day of February, 1980.

APPROVED:

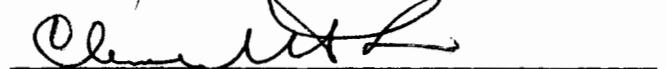

Mayor

(MUNICIPAL SEAL)

ATTEST:


City Clerk


Chairman


Chair Pro Tem


Councilman


Councilman


Councilmen

Page Five - Ordinance No. 2061
Amending Ordinance No. 2051

1ST READING

2ND READING

MOTIONED BY: Dodd

Lawrence

SECONDED BY: Tolbert

Guides

G. NIKOLITS Aye

Aye

C. GUIDER Aye

Aye

C. TOLBERT Aye

Aye

R. DODD Aye

Aye

C. LAWRENCE Aye

Aye

r.

The below Bill described by title only will be placed on second and final reading at the Regular Meeting of the City Council of the City of Riviera Beach, Florida to be held on Wednesday, February 20, 1980 at 7:30 P.M. at the City Hall, 600 West Blue Heron Boulevard and from time to time thereafter as may be necessary for the purpose of considering the enactment of the following Ordinance.

ORDINANCE NO. 2061

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2051, ENACTED NOVEMBER 21, 1979, PROVIDING FOR COMMERCIAL AND INDUSTRIAL COST RECOVERY ASSESSMENT; PERMITS REQUIRED; SURCHARGE RATES FOR USERS OUTSIDE CITY LIMITS; BILLING DEPOSITS; CHARGE FOR ADDITIONAL BURDENS ON SEWAGE SYSTEM; FURTHER PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

Interested parties may appeal at said meeting and be heard with respect to the Ordinance.

BY ORDER OF CITY CLERK *Ru*

Publish: Feb. ^{19th} 1980

ORDINANCE NO. 2062

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, TO BE ADDED AS A NEW CHAPTER 12B TO THE CODE OF LAWS AND ORDINANCES OF THE CITY OF RIVIERA BEACH, FLORIDA, AND TO BE ENTITLED "THE CITY OF RIVIERA BEACH NOISE CONTROL ORDINANCE"; PROVIDING PURPOSE, SCOPE: PROVIDING FOR STANDARDS AND DEFINITIONS; PROVIDING FOR MEASUREMENT STANDARDS AND ENFORCEMENT PROCEDURES; PROVIDING FOR PROHIBITING ACTS AND SOUND LEVELS BY RECEIVING LANDS USES; PROVIDING FOR MOTOR VEHICLE MAXIMUM SOUND LEVELS; PROVIDING FOR UNIFORM APPLICATION; PROVIDING FOR ADMINISTRATION AND INTERPRETATION; PROVIDING FOR ENFORCEMENT, VIOLATIONS, PENALTIES AND OTHER LEGAL AND ADMINISTRATIVE REMEDIES. PROVIDING FOR EXCEPTIONS, VARIANCES AND APPEALS TO THE CITY COUNCIL; PROVIDING FOR CONFLICTING REGULATIONS REPEALED; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF THE CITY OF RIVIERA BEACH, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, excessive sound constitutes a menace to the public health and welfare and the quality of life; and

WHEREAS, a substantial body of science and technology exists by which excessive sound may be substantially measured and abated; and

WHEREAS, the Florida Constitution, Article II, Section 7, establishes the right of the people to an environment free from excessive and unnecessary sound; and

WHEREAS, excessive and unnecessary sound that may jeopardize human health or welfare or may substantially degrade the quality of life is well within the control of the police powers of the City; and

WHEREAS, Article VIII, Section 2(b) of the State Constitution and Chapter 166.021, Florida Statutes, provide the governmental, corporate and proprietary powers of the City of Riviera Beach, Florida, to conduct its municipal government, perform municipal functions, render municipal services, exercise any power for municipal purposes except those expressly prohibited by law, including the power to enact legislation concerning any subject matter upon which the State Legislature may act, which has not previously been accepted; and

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

CHAPTER 12B NOISE CONTROL

SECTION 1: Purpose and Scope

It is the purpose of this Ordinance to prevent, prohibit and provide for the abatement and unnecessary noise which may injure the health of welfare or degrade the quality of life of the citizens

and residents of the City of Riviera Beach, Florida and adjoining neighbors of the surrounding municipalities. This Ordinance shall apply to the control of all sound originating within the limits of this jurisdiction.

SECTION 2: Definitions

For the purpose of this chapter, whenever any of the following words, terms or definitions are used herein they shall have the meanings respectively ascribed to them in this section except where the context requires otherwise.

1. Ambient Noise

Ambient noise is the all encompassing noise associated with a given environment, being a composite of sounds from many sources, near and far. For the purposes of this Code, ambient noise level is that level which is exceeded only 50 percent of the time during an observation period of not less than 7 minutes excluding random or intermittent noises and the alleged offensive noise at the location and the time of day at which a comparison with an alleged offensive noise is to be made. The evaluation of the ambient noise level may be done in accordance with American National Standard S1.13-1971, as amended, or may be done manually as follows:

- a. Observe a sound level meter and at either 5 second or 10 intervals and record the A-weighted level indicated by the meter needle with the meter on FAST response.
- b. Repeat the observations and measurements over a period of not less than 7 minutes and of a sufficient time period so as to make at least 50 readings.
- c. Calculate the A-weighted sound pressure level that is exceeded 50 percent of the observation period. This level shall also be referred to as the L50.

2. A-Weighted Sound Level

The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.

3. Acoustical Terminology

All acoustical terminology and all definitions thereof shall be that contained in ASA S1.1-1960, as amended, American Standard Acoustical Terminology of the American National Standards Institute.

4. Authorized Emergency Vehicle

Vehicles of the fire department (fire patrol), police vehicles and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, and the Department of Transportation as are designed or authorized by the department or the Chief of Police of an incorporated city or any sheriff of any of the various counties.

5. Construction

Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or on public or private right-of-way, structures, utilities or similiar property.

6. Decibel (dBA)

A decibel is a unit for measuring the intensity of a sound, the mathematical formula for which is expressed as the volume of a sound which is equal to 10 times the logarithm of the ratio of the intensity of the sound to the intensity of a specified standard sound; abbreviated "dBA".

7. Discrete Tone (Pure Tone)

A discrete tone is a pure tone or a single frequency sound. This is expressed technically as a sound wave whose instantaneous sound pressure varies essentially as a single sinusoidal function of time.

8. Emergency Work

Emergency work shall mean work made necessary to restore property to a safe condition following a natural disaster or public calamity; or work required to protect persons or property from imminent danger caused by hurricanes, tornados, floods or other natural disasters or public calamity; or work by private or public utilities when installing or restoring utility service.

9. Fixed Source

A machine or device capable of creating a noise level at the property line upon which its located, including but not limited to: industrial and commercial process machinery and equipment, pumps, fans, air conditioning apparatus, refrigeration machines or pool heaters.

10. Fluctuating Noise

A fluctuating noise is a noise in which the loudness varies with time. This is expressed technically as a noise whose sound pressure level varies significantly and exceeds the ambient noise level.

11. Impulsive Noise

Impulsive noise is a very short duration noise. It is a noise characterized by brief exertions of sound pressure which significantly exceed the ambient sound pressure.

12. Intermittent Noise

An intermittent noise is an interrupted noise which reoccurs at either regular or irregular intervals, excluding an impulsive noise. The sound pressure level of an intermittent noise will equal the ambient environmental level two or more times during the period of observation.

13. Motorboat

Any boat or vessel propelled or powered by machinery whether or not such machinery is the principal source of propulsion; including but not limited to boats, barges, amphibious craft, water ski towing devices and hover craft.

14. Motor Vehicle

Motor vehicle means any vehicle which is self-propelled.

15. Motorcycle

A motorcycle is any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

16. Motor Driven Cycle

A motor driven cycle is any motorcycle, and any motor scooter with a motor which produces not to exceed five (5) brake horsepower, including every bicycle with a motor attached.

17. Noise

Any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings. (Also see Unnecessary, Excessive or Offensive Noise).

18. Noise Sensitive Zone

Quiet zones as designated the City Council of City of Riviera Beach. Noise sensitive activities include but are not limited to operations of schools, libraries open to public, churches, hospitals and nursing homes.

19. Non-Steady Noise

A non-steady noise is the same as a fluctuating noise.

20. Property Line

An imaginary line along the surface, and its vertical plane extension, which separates the real property owned, rented or leased by one persons from that owned, rented or leased by another person, excluding intra-building real property divisions.

21. Period of Observation

The period of observation is the time interval during which acoustical data and facts are obtained.

22. Person

Person shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature.

23. Powered Model Vehicle

Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle which is not designed to carry persons including but not limited to any model airplane, boat, car or rocket.

24. Sound

A temporal and spacial oscillation in pressure, or other physical quantity in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.

25. Sound Level Meter

An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated, and the instrument is of Type 2 or better, as specified in the American National Standards Institute Publication S1.4-1971, or its successor publications.

26. Sound Pressure Level

The sound pressure level, in decibels, of a sound is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound to the reference sound pressure. The reference is 0.0002 ubar. The sound pressure level may be evaluated using FLAT, A, B, or C scales as defined by the American National Standards Institute specifications or its successor bodies, except that only the A-weighting and fast dynamic response need be provided, shall be called the "sound level."

27. Steady Noise

A steady noise is a non-fluctuating noise or a noise whose level remains essentially constant during the period of observation.

28. Unnecessary, Excessive or Offensive Noise

Unnecessary, excessive or offensive noise shall mean any sound or noise conflicting with the criteria, standards or levels set forth in this chapter for permissible noise. In the absence of specific maximum noise levels, a noise level which exceeds the ambient sound level by 5dBA or more, when measured at the nearest property line or, in the case of multi-family residential buildings, when measured anywhere in one dwelling unit or from common space in the same building, shall be deemed an unnecessary, excessive or offensive noise.

29. Zoning District

A zoning district is any of the several designated categories in the zoning code of the City of Riviera Beach, Florida.

SECTION 3: Prohibited Acts

A. NOISE DISTURBANCES PROHIBITED

It shall be unlawful for any person knowingly or unknowingly to make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of other persons, within the boundaries of the City of Riviera Beach, Florida, or adjoining neighbors of the surrounding municipalities as prohibited in this Ordinance.

B. SPECIFIC PROHIBITIONS

The following acts, and the causing or permitting thereof, are declared to be in violation of this Ordinance.

(1) Radios, Television Sets, Musical Instruments and Similar Devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument or similar device which produces or reproduces sound:

- a. Between the hours of 8:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Section 4 or Section 3B (13) except for activities for which a variance has been issued by the City Council.
- b. In such a manner as to exceed the levels set forth for public space in Section 4(b) measured at a distance of at least 50 feet (15 meters) from such device operating on a public right-of-way or public space.

(2) Loudspeakers. Using or operating for any purpose any loudspeaker, loudspeaker system or similar device between the hours of 8:00 p.m. and 7:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property line, or at anytime violates the provisions of Section 4 or Section 3 B (13) except for any non-commercial public speaking, public assembly or other activity for which a variance has been issued by the City Council.

(3) Street Sales. Offering for sale, selling anything or advertising by shouting or outcry within any residential or commercial area or noise sensitive none of the City except by variance issued by the City Council.

(4) Animals. Owning, possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks or makes other sounds which create a noise disturbance in violation of the provisions of Section 4 across a real property line or within a noise sensitive zone.

5. Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 8:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a real property line or at anytime to violate the provisions of Section 4 or Section 3 B (13).

(6) Construction. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of 8:00 p.m. and 7:00 a.m. the following day on weekdays, or at any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a real property line or at anytime violates the provisions of Section 4 or Section 3B (13) except for emergency work of public service utilities or by variance issued by the City Council. This section shall not apply to the use of domestic power tools as specified in Section .

(7) Vehicle, Motorboat or Aircraft Repairs and Testing

(a) Repairing, rebuilding, modifying or testing any motor vehicle, motorboat or aircraft in such a manner as to create a noise disturbance across a real property line or at anytime to violate the provisions of Section 4 or Section 3B (13) .

(b) Nothing in this Section shall be construed to prohibit, restrict, penalize, enjoin or in any manner regulate the movement or aircraft which are in all respects conducted in accordance with, or pursuant to applicable Federal laws or regulations.

(8) Explosives, Firearms and Similar Devices. Using or firing explosives, firearms or similar devices such that the sound therefrom creates a noise disturbance across a real property line, or within a noise sensitive zone, public space or public right-of-way, without first obtaining a variance issued by the City Council. Nothing in this section shall be construed to prohibit, restrict or regulate in any manner the use or firing of explosive firearms or similar devices when the action is performed by, at the direction of, or under the supervision of the City Manager (or his designee) of the City of Riviera Beach.

(9) Powered Model Vehicles. Operating or permitting the operation of powered model vehicles:

(a) Between the hours of 8:00 p.m. and 7:00 a.m. the following day so as to create a noise disturbance across a residential or commercial real property line or at anytime to violate the provisions of Section 4 or Section 3 B (13).

- (b) In such a manner as to exceed the levels set forth for public space land use in Section 4 measured at a distance not less than 100 feet (30 meters) from any point on the path of a vehicle operating on public space or public right-of-way.

(10) Stationary Non-Emergency Signaling Devices

- (a) Sounding or permitting the sounding of any electronically-amplified signal from any stationary bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place, for more than 10 seconds in any hourly period.
- (b) Houses of religious worship shall be exempt from the operation of this provision.
- (c) Sound sources covered by this provision and not exempted under subsection (b) shall be exempted by a variance issued by the City Council. (See Section 13).

(11) Emergency Signaling Devices.

- (a) The international sounding or permitting the sounding outdoors of any fire, burglar or civil alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subsection (b) below.
- (b) (i) Testing of a stationary emergency signaling device shall not occur before 7:00 a.m. or after 8:00 p.m. Any such testing shall only use the minimum cycle test time. In no case shall such test time exceed 60 seconds.

(ii) Testing of the complete emergency signaling system, including the function of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 7:00 a.m. or after 8:00 p.m. This time limit specified in subsection (b) (i) shall not apply to such complete system testing.
- (c) Sounding or permitting the sounding or any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within 15 minutes of activation.

(12) Motorboats. Operating or permitting the operation of any motorboat in any lake, river, stream or other waterway in such manner as to cause a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Section 4 or Section 3 B (13) .

(13) Noise Sensitive Zones.

- (a) Creating or causing the creation of any sound within any noise sensitive zone, so as to exceed the residential land use levels set forth in Section 4 when measured at a distance of at least 25 feet (7.5 meters) from the sound source, provided that conspicuous signs are displayed indicating the presence of the zone; or
- (b) Creating or causing the creation of any sound within or adjacent to any noise sensitive zone, containing a hospital, nursing home, school, court or other designated area, so as to interfere with the functions of such activity or annoy the patients in the activity, provided that conspicuous signs are displayed indicating the presence of the zone.

(14) Domestic Power Tools.

- (a) (i) Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawm or garden tool, or similar tool between 8:00 p.m. and 7:00 a.m. the following day on weekdays so as to create a noise disturbance across a real property line as delineated by the provisions of Section 4 .
 - (ii) Operation of any mechanically powered lawm or garden tool by other than the resident of the premises on Sundays as in subsection (iii) below.
 - (iii) Operation of any mechanically powered lawn or garden tool on Sundays prior to 11:00 a.m. and after 6:00 p.m.
- (b) Any motor, machinery, pumps, etc., shall be properly muffled and maintained in good working order so as not to create between the hours of 8:00 p.m. and 7:00 a.m. the following day on weekdays and between the hours of 11:00 a.m. and 6:00 p.m. on Sundays a noise disturbance as delineated

by the provisions of Section 4 (a) .

(15) Multi-Family Dwellings.

- (a) Operating or permitting the operation within a multifamily dwelling any source of sound, in such a manner as to exceed 50 dBA from 7:00 a.m. to 8:00 p.m. or 45 dBA from 8:00 p.m. to 7:00 a.m. when measured within an adjacent intra-building dwelling. These noise limits shall not be exceeded more than 50 percent of any measurement period, which shall not be less than 10 minutes.

- (b) The maximum permissible sound level as a result of operating any sound source within a multi-family dwelling, when measured in an adjacent intra-building dwelling 8:00 p.m. and 7:00 a.m. the following day, shall be 45 dBA.

(16) Air Conditioning or Air-Handling Equipment. Operating or permitting the operation of any air-conditioning or air-handling equipment in such a manner as to exceed any of the following sound levels for more than 50% of any measurement period at least 10 minutes in duration and when measured as specified in the Code of Recommended Practices:

<u>MEASUREMENT LOCATION</u>	<u>dba</u>
Any point on neighboring property line	60
Center of neighboring patio	55
Outside the neighboring living area	55
Window nearest the equipment location	55

All existing air conditioning equipment and the replacement of same at the sound level not exceeding the original equipment installation are hereby excluded from the provisions of this Ordinance.

(17) Enclosed Places of Public Entertainment. It shall be unlawful to sustain in any enclosed place of public entertainment including but not limited to a restaurant, bar, cafe, discotheque, dance hall, any amplitude equal to or in excess of 95 dBA sustained for more than thirty (30) seconds.

Sound levels in places of public entertainment shall be contained by acoustical and architectural treatments so as not to create a noise disturbance across a real property line as delineated by the provision of Section 4 .

18. General Prohibitions. Any noise source that is not otherwise regulated or prohibited elsewhere in this Ordinance which raises the existing sound level by 5dBA shall be considered in violation.

SECTION 4: Noise Control Measurement Standards from
Other than Operating Motor Vehicle Noise
Standards

The noise from any activity or from any permissible use of property within the meaning of the applicable zoning district classifications of the City of Riviera Beach, Florida, shall be deemed to be excessive, unnecessary, offensive and unusually loud if the total noise level as measured on the A-scale due to both ambient noise, and the alleged source of the unnecessary, offensive or excessive noise exceeds the noise levels which are herein prescribed, the measurement of which is based upon decibels, i.e., 0.0002 microbar, and day conditions referring to the time between 7:00 a.m. and 8:00 p.m. and night conditions referring to the time between 8:00 p.m. and 7:00 a.m. All such measurements as well as the method employed shall be consistent with the regulations of the American National Standards Institute or its successor bodies and shall represent the A-weighted sound pressure level which is exceeded fifty per cent (50%) of the time (L50) during the observation period as described in Section 8 of this chapter.

(a) At no point on the boundary of or within a residential area zoned R-1AA, R-1A, R-1, R-1B, R-2, R-2B, RCUP, R-5 & R-TH, according to the Zoning Code of the City of Riviera Beach and official zoning map of the City of Riviera Beach and as a result of any noise source outside of the property in question may the following sound pressure levels be exceeded:

Fixed Mechanical Equipment - Day and Night: 55 dBA
All Others - Day: 50 dBA Night: 45 dBA

(b) At no point on the boundary of or within the area zoned C-1A, C-1B, C-1C, C-1CL, C-1, C-2, P & P-1, according to the Zoning Code of the City of Riviera Beach and official zoning map of the City of Riviera Beach, may the following sound pressure levels be exceeded as a result of any noise source outside the property in question:

Fixed Mechanical Equipment - Day and Night: 65 dBA
All Others: Day: 60 dBA Night: 55 dBA

(c) At no point on the boundary of or within a property zoned M-1 according to the Zoning Code of the City of Riviera Beach and official zoning map of the City of Riviera Beach, may the following sound pressure levels be exceeded as a result of any noise source within the boundary of another property:

Fixed Mechanical Equipment - Day and Night: 65 dBA
All Others: Day: 65 dBA Night: 60 dBA

All yards and terminals associated with railroads shall be considered as M-1 industrial areas for the purposes of noise control.

(d) At no time within any sleeping or living room in any dwelling unit, within all residential zone, may the following sound pressure levels be exceeded as a result of any sound source located either outside of the property on which the dwelling is located, or, in the case of multiple dwelling structures, in any other dwelling unit:

Fixed Mechanical Equipment - Day and Night: 55 dBA
All Others - Day: 50 dBA Night: 45 dBA

(e) For any source of sound at the boundary of the property from which the sound emanates, except as provided in Section 3 B (16) the maximum sound level resulting from repetitious intermittent noise shall not exceed the sound pressure level limits in sub-section (a) through (d)/^{above} by any one reading:

1. Ten (10) dBA from 7:00 a.m. to 8:00 p.m. in a residential district.
2. Five (5) dBA from 8:00 p.m. to 7:00 a.m. in a residential district.
3. Ten (10) dBA at all times in commercial, manufacturing, industrial or agricultural land use area.

(f) For any source of sound which emits a discrete tone, the sound pressure level limits set in sub-section (a) through (d) above shall be reduced by 5 dBA.

(g) The provisions of this article shall not apply to the use of domestic power tools including mechanical powered saws, sanders, drills, grinders, lawn or garden tools or similar tools between 7:00 a.m. and 8:00 p.m. of the same day provided any motor associated with these tools is properly maintained and its exhaust properly muffled. If the noise occurs in a commercial area and enters a residential area between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Saturday or at anytime on Sunday or holidays, it shall constitute violation of this Ordinance if the sound levels specified in (a)/^{above} are exceeded in receiving residential area and (d) or property.

Section 5: Operating Motor Vehicle Noise

(a) Definitions

The following words and phrases when used in this section shall have the meanings respectively assigned to them in this subsection, except where the context requires:

- (1) "dBA" means the composite abbreviation for A-weighted sound level, and the unit of sound level, the decibel.
- (2) "Gross combination weight rating" or "GCWR" means the value specified by the manufacturer as the loaded weight of a combination vehicle.
- (3) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of a single vehicle.
- (4) "Sound level" means the A-weighted sound pressure level measured with fast response using an instrument complying with the specification for sound level meters of the American National Standards Institute, Inc., or its successor bodies, except that only A-weighting and fast dynamic response need be provided.
- (5) "Department" means the Department of Highway Safety and Motor Vehicles.

(b) Operating Motor Vehicle Noise Limits

No person shall operate or be permitted to operate a vehicle at any time or under any condition of roadway grade, load, acceleration or deceleration in such a manner as to generate a sound level in excess of the following limit at a distance of fifty (50) feet from the center of the lane of travel under measurement procedures established under subsection (c).

1. For motorcycles other than motor-driven cycles:

<u>Date of Manufacture</u>	<u>Speed level limit</u>	
	Speed limit 35 mph or less	Speed limit over 35 mph
Before		
January 1, 1979	82 dB A	86 dB A
On or after		
January 1, 1979	78 dB A	82 dB A

2. For any motor vehicle with a GVWR over 10,000 pounds and for any multipurpose passenger vehicle, which is defined as a motor vehicle with motive power designed to carry 10 persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation:

(b) For any motor vehicle with a GVWR or GVWR of 10,000 pounds or more:

	Sound level limit	
	Speed limit 35 mph or less	Speed limit over 35 mph
On or after January 1, 1975	86 dB A	90 dB A

3. For motor-driven cycles and any other motor vehicle not included in paragraph (a) or paragraph (b):

Date of manufacture	Sound level limit
From January 1, 1973, to December 31, 1974	84 dB A
From January 1, 1975, to December 31, 1984	80 dB A
On or after January 1, 1985	75 dB A

(c) For motor-driven cycles and any other motor vehicle not included in paragraph (a) or paragraph (b):

	Sound level limit	
	Speed limit 35 mph or less	Speed limit over 35 mph
Before January 1, 1979	76 dB A	82 dB A
On or after January 1, 1979	72 dB A	79 dB A

(c) Measurement Procedures

The measurement procedures for determining compliance with this section shall be established by regulation of the Department of Environmental Regulation as provided in 403.415 (Florida State Statutes).

Such regulations shall include the selection of measurement sites and measurement procedures and shall take into consideration accepted scientific and professional methods for the measurement of vehicular sound levels. The measurement procedures may include adjustment factors to be applied to the noise limit for measurement distances of other than fifty (50) feet from the center of the lane of travel.

(d) EXEMPT VEHICLES:

The following are exempt from the operation of this act:

- (1) Emergency vehicles operating as specified in Section
- (2) Any motor vehicles engaged in a professional or amateur sanctioned, competitive sports event for which admission or entry fee is charged or practice or time trials for such event.
- (3) Any motor vehicles engaged in a manufacturer's engineering design or equipment test.
- (4) Construction or agricultural equipment either on job site or traveling on highways.

The provisions of this act shall not apply to any motor vehicle which is not required to be licensed under the provisions of Chapter 320, Florida Statutes.

(e) Applicability

This section applies to the total noise from a vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this chapter relating to motor vehicle mufflers for noise control.

(f) Noise Abatement Equipment Modifications

(1) No person shall modify the exhaust system of a motor vehicle or any other noise abatement device of a motor vehicle operated or to be operated upon the highways of Riviera Beach in a manner that the noise emitted by the motor vehicle is above that emitted by the vehicle as originally manufactured.

(2) No person shall operate a motor vehicle upon the highway with an exhaust system or noise abatement device so modified.

Section 6: Enforcement Procedure

a) Operating Motor Vehicle Noise Enforcement

The procedure for enforcing operating motor vehicle noise standards shall be as established in Chapter 316 Florida Statutes, and applicable rules and regulations of the Department of Pollution Control with the cooperation of the Department of Highway Safety and Motor Vehicles.

b) All Other Noises

In all other cases, the procedure for enforcing the provisions of this act shall be as follows:

1. The police officer or designated persons in the Building Department shall investigate and determine if the level is in excess of that stated in Section 4 or other section of this Chapter where applicable.

2. If the noise level is found to be in violation of this Chapter, the Police Officer or designated person in the Building Department shall give a warning to the person or persons responsible for the unnecessary, excessive or offensive noise.

3. If the unnecessary, excessive or offensive noise is not abated within a reasonable time after warning, a notice of violation by Police Officer or designated person in the Building Department shall be issued or the person in possession or control of the cause of the unnecessary, excessive or offensive noise may be arrested by the City of Riviera Beach Police Department and charged with violating this ordinance. A reasonable time is such length of time as may fairly, properly and reasonably be allowed or required having regard to the nature of the offending, excessive or unnecessary noise and the attending circumstances.

Section 7: Measurement of Noise

(a) The measurement of sound or noise shall be made with a decibel or a sound level meter operating on the "A" weighing scale of any standard design and quality meeting the standards prescribed by the American National Standards Association. The instruments shall be maintained in calibration and good working order. Measurements recorded shall be taken as to provide a proper presentation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

(b) The slow meter response of the sound level meter shall be used in order to best determine that the average sound has not exceeded the standards set forth in Section 4.

(c) The measurement shall be made at the property line of the property on which such noise is generated, or perceived, as appropriate, five (5) feet above ground.

(d) In the case of an elevated or directional sound or noise source, compliance with the noise limits is to be maintained at any elevation at the boundary.

Section 8: Periods of Observation

All periods of observation made hereunder shall be determined with regard to the character of the noise being measured, and the particular instrument used to make the measurement, and shall be made in accordance with the standards contained in ANSI S1.13-197 as amended, of the American National Standards Institute.

Section 9: Voluntary Compliance

The City of Riviera Beach will permit, whenever possible, those persons creating excessive and unusually loud noise to conform to the standards as provided in this Chapter through voluntary compliance within a reasonable time (See section 13A).

Section 10: Enforcement - Authority

a) City of Riviera Beach Police Department

The provisions of this Chapter involving noise control occurring on the highways; streets; roads; sidewalks or pedestrian ways; or other public areas, including but not limited to parks and public recreation areas, public buildings and other public property; and any complaints of noise on private property except stationary mechanical noise sources within the City of Riviera Beach shall be investigated and enforced by the City of Riviera Beach Police Department, with assistance from the City of Riviera Beach Building Department when necessary.

b) Building Department of the City of Riviera Beach

The provisions of this Chapter involving stationary mechanical noise source control and complaints and any authority and responsibility specifically designated to the Building Department or Building Official shall be investigated and enforced by the Building Department of the City of Riviera Beach. The Building Department shall assist the City of Riviera Beach Police Department when requested to do so.

Section 11: Application for Special Construction Permit

Application for a permit for relief from the noise level designated in this ordinance on the basis of undue hardship may be made to the City Manager or his duly authorized representative. Any permit granted by the City Manager hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The City Manager, or his duly authorized representative, may grant the relief as applied for if he finds:

- (1) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this Ordinance; or
- (2) The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with other subsections of this section; and
- (3) The City Manager may prescribe any conditions of requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

Upon any affirmative finding of the above considerations, the City Manager or his designee is authorized to issue the permit requested and any extensions thereof, as may be required. During such periods or emergency activities for construction work and during the normal construction hours of 7:00 a.m. to 8:00 p.m., the noise levels generated by construction activities shall not exceed 90 dBA for more than 10% of the time when measured at a distance of 50 feet from the construction site, provided, however, that pile driving on Sundays and Holidays shall be excluded from the provisions of this Section. Any person aggrieved by the decision of the City Manager or his designated representative may appeal the decision to the City Council.

Section 12: Exemptions

The following are exempt from the operation of this chapter except the operating motor vehicles under Section 5 (d) which specifically exempts certain vehicles:

- (a) All public parks, schools, playgrounds, and recreation areas specifically designated for such activity in performance of that activity.
- (b) All equipment tests required by law.
- (c) All procedures or processes required by law, and
- (d) All accidental soundings of equipment or mechanical failure or equipment making noise prohibited in this chapter.
- (e) Noises of safety signals, warning devices, and emergency pressure relief valves.
- (f) Noises resulting from emergency work as defined in Section
- (g) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by City Manager in accordance with Section

Section 13: Variances

A. Special Variances: City Manager

The City Manager is authorized to grant a variance for extension of time for compliance with any provision of this Ordinance, subject to limitation as to area, noise levels, time limits and other terms and conditions as the City Manager determines are appropriate to protect public health, safety and welfare from the noise emanating therefrom. This Section shall in no way affect the duty to obtain any permit or license required by law for such activities. Such variance shall not exceed 45 days extension of time from the day on which it was granted.

B. Variance: City Council

City Council shall hold Public Hearings to consider all

applications for variances. Any person seeking a variance pursuant to this Section shall file an application with the City Manager. The application shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this Ordinance would constitute an unreasonable hardship on the applicant, on the Community or on other persons. Notice of an application for a variance shall be published according to the City of Riviera Beach procedure for public hearings. Any individual who claims to be adversely affected by allowance of the variance may file a statement with the City Manager containing any information to support his claim.

In determining whether to grant or deny the application, the City Council shall balance the hardship on the applicant, the community and other persons of not granting the variance against the adverse impact on the health, safety and welfare affected and any other adverse impact on property affected and any other adverse impacts of granting the variance. Applicants for variances and persons contesting variances may be required to submit any information the City Manager may reasonably require. In granting or denying an application, the City Clerk shall keep on public file a copy of the decision and the reasons for denying or granting the ordinance.

Variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The variance shall not become effective until all conditions are agreed to by the applicant.

Noncompliance with any condition of the variance shall terminate the variance and subject the person holding it to those provisions of this Ordinance for which the variance was granted.

A variance will not exceed 365 days from the date on which it was granted. Application for extension of time limits specified in variances or for modification of other substantial conditions shall be treated like applications for initial variances under subsection .

Section 14: Penalty

Any person violating any of the provisions of this Ordinance, shall upon conviction, be subject to the provisions of the uniform maximum penalty Ordinance, Ordinance No. 1123, enacted on October 6, 1976.

Violations of this Ordinance shall be prosecuted in the same manner as other misdemeanor violations of the City's Code; provided, however, that in the event of violation of Section 3 of this Ordinance, a written notice of intention to prosecute will be given the alleged violator not less than five (5) calendar days prior to the issuance of a misdemeanor complaint. No complaint shall be issued in the event the cause of the violation is removed, the condition abated or fully corrected within such five (5) day period. In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address or at the place where the violation occurred, in which event the five (5) day period shall commence at the date of the day following the mailing of such notice.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a Court of competent jurisdiction.

Section 15: Conflicting Regulations

All ordinances or parts of ordinances in conflict herewith be and the same hereby are repealed.

Section 16: Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portions of this Ordinance and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein,

and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstance.

Section 17: Uniform Application Within the Incorporated Area

This Section shall constitute a uniform law applicable throughout the incorporated area of the City of Riviera Beach, Florida.

Section 18: Inclusion in the Code of Laws and Ordinances

It is the intent of the City Council and is hereby so ordained that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Riviera Beach, Florida, and that sections of this Ordinance may be renumbered or relettered to accomplish such intention; and the word "Ordinance" may be changed to "Section" "Article" or other appropriate word.

Section 19: Effective Date

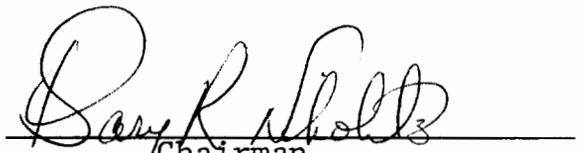
The provisions of this Ordinance shall become effective upon second and final reading.

PASSED and APPROVED on FIRST READING 20 day of February 1980.

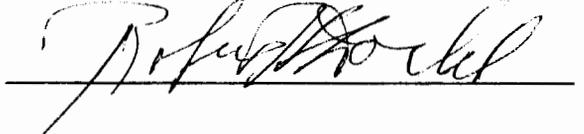
PASSED ON SECOND AND FINAL READING 5th day of March, 1980.

APPROVED:


Mayor

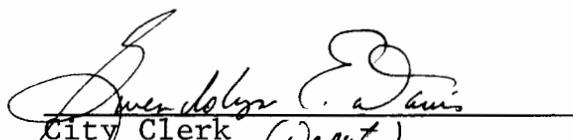

Chairman


Chairman Pro Tem




Council Members

ATTEST:


City Clerk (Deputy)

ORDINANCE NO. 2063

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 23, ZONING, SECTION 23-19 R-2 (MULTIFAMILY DWELLING) DISTRICT, BY ADDING A NEW SUBSECTION (G) OTHER REQUIREMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE, AUTHORITY TO CODIFY; AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Section 23-19, R-2 Multifamily Dwelling District of Chapter 23, Zoning of the Code of Ordinances impacts a large and strategically located land areas of the City; and

WHEREAS, residential developments of significant sizes can be placed on land under R-2 regulations in various zoning districts as permitted uses; and

WHEREAS, the City Council desires to establish a Site Plan Review process to ensure that the proposed development is in conformity with Comprehensive Plan and is not detrimental to the neighboring land uses;

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA:

SECTION 1: Chapter 23, Zoning, Section 23-19 R-2 (Multifamily Dwelling District) is hereby amended by adding a new subsection (G) Other Requirements as follows:

(G) Other Requirements: Site Plan review for five (5) or more units by Planning Board and City Council. The intent of this review shall be to ascertain that the proposed new development is in conformity with the comprehensive plan, is not detrimental to the neighboring land use; that an efficient pedestrian and vehicular traffic system including proper means of ingress and egress to the streets are provided for, and that the proposed project shall be a viable addition to the Community.

Site Plan Review Package: Each site plan review package shall include:

1. Brief Narrative:

A written description of project programming, socio-economic characteristic of residents and planned amenities; financing, rental or sale prices and examples of previous work by the developer.

2. Presentation Drawings:

a. Topographic survey depicting existing elevations, all physical features and percolation characteristics of the soil.

- b. All lot dimensions and area;
- c. All building dimensions;
- d. Calculated densities, floor area ratios and parking counts;
- e. Utility plans, including storm water drainage based upon soil percolation data;
- f. Landscaping plan;
- g. Points of ingress and egress;
- h. Easements for public access;
- i. Typical floor plans of front elevations of all buildings;
- j. Placement and sizes of all signs;
- k. Ground floor elevation in relation to mean sea level.

SECTION 2: PENALTIES

Any person violating any of the provisions of this Ordinance, shall upon conviction, be subject to the provisions of the uniform penalty Ordinance, Ordinance No. 1123, enacted on October 6, 1976.

SECTION 3: REPEALING CLAUSE

All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict repealed.

SECTION 4: SAVING CLAUSE

If any section, portion or clause of this Ordinance, for any reasons, shall be declared to be void or unconstitutional by any court of competent jurisdiction, such validity or unconstitutionality shall not affect or invalidate the remaining sections, portions or clauses, and the remaining sections, portions and clauses thereof shall be and remain in full force and effect to the same extent as if such invalid sections, portions or clauses had not been incorporated herein.

SECTION 5:

Specific authority is hereby granted to codify this Ordinance.

SECTION 6:

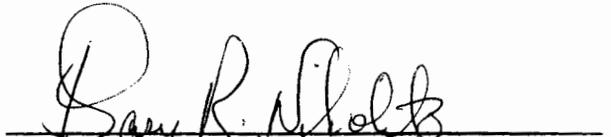
This Ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED AND APPROVED on first reading this 20 day of February, 1980.

PASSED AND ADOPTED on second and final reading this 5th day of March, 1980.

APPROVED:

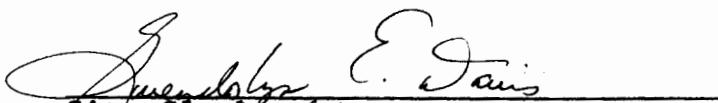

Mayor


Chairman


Chairman Pro Tem

ATTEST:




City Clerk (Deputy)


Council Members

	1st Reading	2nd Reading
MOTIONED BY:	<u>Lawrence</u>	<u>Guider</u>
SECONDED BY:	<u>Dodd</u>	<u>Dodd</u>
G. Nikolits	<u>Aye</u>	<u>Aye</u>
C. Guider	<u>Aye</u>	<u>Aye</u>
C. Tolbert	<u>Aye</u>	<u>Absent</u>
R. Dodd	<u>Aye</u>	<u>Aye</u>
C. Lawrence	<u>Aye</u>	<u>Aye</u>

2-21-80

The below Bill described by title only will be placed on second and final reading at the Regular Meeting of the ~~City Council of the City of Riviera Beach, Florida to be~~ held on Wednesday, March 5, 1980 at 7:30 P.M. at the City Hall, 600 West Blue Heron Boulevard and from time to time thereafter as may be necessary for the purpose of considering the enactment of the following Ordinance.

ORDINANCE NO. 2063

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 23, ZONING, SECTION 23-19 R-2 (MULTIFAMILY DWELLING) DISTRICT, BY ADDING A NEW SUBSECTION (G) OTHER REQUIREMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE, AUTHORITY TO CODIFY; AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

Interested parties may appeal at said meeting and be heard with respect to the Ordinance.

BY ORDER OF CITY CLERK

Publish: Feb. 27, 1980

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AMENDING CHAPTER 3 (ADVERTISING AND SIGNS) OF THE CODE OF THE CITY OF RIVIERA BEACH, FLORIDA, AS AMENDED, BY REPEALING IN ITS PLACE AND STEAD A NEW CHAPTER 3 REGULATING AND LIMITING THE ERECTION, USE AND MAINTENANCE OF SIGNS, BILLBOARDS, POSTERS, BULLETINGS AND ALL OTHER TYPES AND KINDS OF ADVERTISING STRUCTURES WITHIN SAID CITY; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE PAYMENT OF FEES THEREFOR; PROVIDING AN APPEAL PROCEDURE; PROVIDING PENALTIES FOR THE VIOLATIONS OF SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AUTHORITY TO CODIFY; AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Riviera Beach desires to regulate advertising and signs within its corporate limits to improve general appearance of the Community; and

WHEREAS, properly regulated signs with strict enforcement to said regulations will improve the value of property in the City of Riviera Beach and create a better visual appearance within the City; and

WHEREAS, the City Council finds that existing Chapter 3 "Advertising" of the Code of Ordinances adopted in 1961 is outdated, deficient and in need of upgrading; and

WHEREAS, the City Commission of the City of West Palm Beach, Florida, after holding proper public meetings and public hearings has adopted a sign code acceptable by local courts. The City Council of the City of Riviera Beach finds said sign code can be applied for this City with revisions and amendments; and

WHEREAS, the City Council has carefully considered the input provided by local businessmen and representatives of advertising and sign industry who review proposed sign code in a series of meetings; and

WHEREAS, Chapter 479.155 Florida Statute grants rights and powers to local governments to establish outdoor advertising and sign ordinances. These rights are granted as general "police power" and as "zoning" authority. Various components of the Advertising and Sign Code should therefore be included in corresponding sections of the Code.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA:

SECTION 1: That the entire Chapter (Advertising and Signs) of the Code of the City of Riviera Beach, Florida, as amended, is hereby repealed and in its place and stead a new Chapter 3 is enacted to read as follows:

CHAPTER 3 (ADVERTISING AND SIGNS)

Section 3-1 INTENT

It is the intent of this Ordinance to promote and protect the public health, safety, general welfare, and aesthetics of the

City of Riviera Beach, Florida, by regulating and limiting the existing and proposed posting, display, erection, use and maintenance of signs, billboards, posters, bulletins and other advertising structures within the City.

It is further intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the Community, preserve the scenic and natural beauty of the City and provide a more enjoyable and pleasing community. Also, it is intended hereby to improve vehicular and pedestrian safety, provide more open space, curb and deterioration of natural beauty, community environment, and reduce visual pollution.

Section 3-2 LICENSE

No person shall engage in a business of sign or outdoor advertising or in a business or installing or maintaining signs within the City, without having first procured a license for such business in accordance with the requirements of said City's License Ordinance then in force and effect.

Section 3-3 OPERATING BUSINESS OF ERECTING AND MAINTAINING ADVERTISING STRUCTURES BOND OR LIABILITY INSURANCE

It shall be unlawful for any person to engage in the business of sign or outdoor advertising or in the business of installing or maintaining signs within the City unless and until such persons shall have filed with the City a bond or certificate of public liability and property damage insurance policy executed by a company authorized to do business in the State in a sum of not less than One Hundred Thousand Dollars (\$100,000) for injuries to one person, Three Hundred Thousand Dollars (\$300,000) for injury to more than one person, and Five Thousand Dollars (\$5,000) for damage to property, and a Two Thousand Dollar (\$2,000) surety bond to cover damage to public property, and so conditioned as to indemnify, keep harmless and save the City and all persons from any damages, costs, liabilities or expenses of any kind whatsoever which they might suffer by reason of the construction, installation and maintenance of signs or the destruction thereof, total or partial, by any means whatsoever, including acts of God.

Section 3-4 PERMITS

A. Required:

It shall be unlawful for any person to post, display, or install any sign or advertising structure or high-voltage tube lighting applying to signs as herein defined, except real estate signs, certain political signs, construction signs, one identification

sign three (3) square feet or less in area per business painted on the wall of which the top of sign is no more than eight (8) feet above ground level, and directional signs, in such City without first having obtained a permit or permits therefor as hereinafter required.

B. Applications:

Applications for permits required by this Ordinance shall be filed by such applicant or his agent, in the Building and Zoning Department upon forms to be furnished by said Department. Said applications shall contain or have attached thereto the following information:

- 1) Kind of sign, advertising structure or high voltage tube lighting.
- 2) The street address of the property upon which such sign, advertising structure or high voltage tube lighting is proposed to be located.
- 3) The proposed location of the sign, advertising structure or high voltage tube lighting upon the property identified in subparagraph 2) shown on a scale drawing of said property.
- 4) The name of the person, firm, corporation or association installing the structure.
- 5) The estimated value of sign.
- 6) The name and address of the owner or other person in control or possession of the real property upon which said sign or advertising structure is to be constructed, installed, operated, used, maintained, posted or displayed.
- 7) Whether or not such person identified in subparagraph 4) has consented to the construction, installation, operation, use, maintenance, posting or displaying of such sign.
- 8) Three (3) copies of detailed drawings, drawn to scale containing complete plans and specifications to show methods of construction and anchoring to building or ground. These drawings must show the height and width of the sign, advertising structure or high voltage tube lighting and the area in square feet.
- 9) The following signs shall be designed by an engineer, who shall submit to the Building Official complete plans and calculations so as to determine whether the sign complies with the City's Code:
 - a. All roof signs
 - b. Projecting signs over twenty-four (24) square feet in area.
 - c. Billboards, free standing signs (pole or ground signs) over forty (40) square feet in area.
 - d. All signs with unusual structural features.

C. Issuance:

Provided the provisions of Sections 3.2, 3.3, 3.4-a, b & g shall have been complied with, and the sign or advertising structure will not violate any of the terms, conditions or provisions of this Ordinance, or of any other law or ordinance, the Building Official shall issue a permit for each sign or advertising structure, retaining a copy thereof and a copy of plans of said advertising

structure for his records. Said copy of plans or records to be retained by the Building Official for at least five (5) years. Permits shall be numbered in the order of their issuance and shall disclose:

1) Kind and size in square feet, and the height and width of the sign, advertising structure or high voltage tube lighting authorized by said permit.

2) The street address of the property on which sign, advertising structure or high voltage tube lighting are permitted to be located and name of the owner or lessee of said property.

3) The location upon the property where the sign, advertising structure or high voltage lighting is permitted.

4) The name of the person, firm, corporation or association installing structure.

5) The estimated value of the sign.

6) The amount of the fee paid for such permit.

7) The date of issuance.

D. Inspections:

The contractor or owner securing the permit for any sign shall call the inspection office and request an inspection whenever any sign is being installed, and before any concrete is poured; a final inspection shall be requested upon completion. At the time of a request for final inspection a photograph of the completed sign shall be taken by the inspector. (Minimum 2 $\frac{1}{4}$ " x 2 $\frac{1}{4}$ ", maximum 3" x 5" for filing purposes.)

E. Revocations:

The building official may revoke a permit or approval, issued under the provisions of this Code, if it is found that there has been any false statement, concealment or misrepresentation as to any material fact in the application or plans on which the permit or approval was based.

F. Labels:

Every outdoor advertising display sign hereafter installed, constructed or maintained, for which a permit is required, shall be plainly marked with the name of the person, firm or corporation installing and maintaining such sign and shall have affixed thereon the number of permit issued for said sign by the permit official. The said label shall be visible from ground level.

G. Fees:

Permit fees for signs regulated by this Ordinance shall be as follows:

- 7) **Banner**
Any sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, balloons, or fabric of any kind with only such material for foundation. The word "banner" shall also include pennant or any animated, rotating and/or fluttering device, with or without lettering for design, and manufactured and placed for the purpose of attracting attention.
- 8) **Billboard
(Off-Premise Sign)**
Any sign or framework thereof installed for the purpose of advertising merchandise, services, or entertainment, sold, produced, manufactured, or furnished at a place other than the location of such structure.
- 9) **Building Facade**
That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
- 10) **Building Official**
The words "Building Official" shall mean the Building Official of the City of Riviera Beach and all inspectors working under his authority and direction.
- 11) **Changeable Copy Sign**
A sign which is characterized by changeable copy of letters, regardless of method of attachment.
- 12) **City**
Unless the context clearly discloses the contrary intent, City shall mean the City of Riviera Beach.
- 13) **Construction Sign**
A temporary sign identifying those engaged in construction on any building site. This includes the builder, contractor, developer, architect, engineer, painter, plumber, or other persons or artisans concerned in said construction.
- 14) **Copy Area of a Sign**
The actual area of the sign copy applied to any background. The copy area is computed by straight lines drawn closest to copy extremities encompassing individual letters or words.
- 15) **Development Sign**
A temporary sign advertising the sale or rental of structures under construction upon land which is under development.
- 16) **Directional Sign**
The term "directional sign" shall mean any sign permanently or temporarily installed on public property by or with approval of the City or any authorized governmental agency.
- 17) **Double-Faced Sign**
A sign with two faces which are parallel to each other and back to back.
- 18) **Electric Sign**
See Illuminated Sign
- 19) **Engineer**
The term "engineer" shall refer to a person registered as a professional engineer by the State of Florida.

- 20) Entrance Sign
An identification structure located at the main entrance to a City approved subdivision or development. The only advertising on the structure shall be the name of the subdivision or development.
- 21) Fixed Projecting Sign
The term "fixed projecting sign" shall mean any sign projecting at an angle from the outside wall or walls of any building and rigidly affixed thereto.
- 22) Flag
A piece of fabric with a color or pattern that represents some country, state, county, city, party, organization, or business entity.
- 23) Flashing Sign
The term "flashing sign" shall mean any sign, used for identification, directional, advertising, or promotional purposes, that includes approved lighting fixtures which flash, blink, cut on and off intermittently, and are used as exterior signs or interior signs visible from the public right-of-way.
- 24) Flat or Wall Sign
The term "flat or wall sign" shall mean any sign erected parallel to the facade or on the outside wall of any building and supported throughout its length by the wall of the building.
- 25) Free Standing Sign
This term shall include and replace pole and ground signs. It shall mean a sign which is supported by one or more columns, uprights, or braces in or upon the ground.
- 26) Frontage Street Facade
That portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building wall elevation which fronts on a street, unless said parapet wall or eaves shall be over 20' high, in which case only the first 20' shall be considered the frontage street facade for purposes of this Ordinance. Only one street facade shall be designated as frontage street facade.
- 27) Ground Sign
See Free Standing Sign
- 28) Home Nameplate
A nameplate not more than one (1) sq. ft. in area indicating only the name of the occupant.
- 29) Identification Sign
A sign of not more than 3 sq. ft. in area used to identify the name of the business located thereon and/or its principals and address. The top of said sign shall be no more than 8 ft. above ground level.
- 30) Illuminated Sign
A sign in which a source of light is used in order to make the message readable and shall include internally and externally lighted signs.

- 31) Install To erect or apply any kind of sign or advertising device.
- 32) Instructional Sign A sign conveying instructions with respect to the premises on which it is maintained, such as, but not limited to "Exit", "Entrance", "Parking", etc.
- 33) Marquee Sign Any sign projecting from, attached to or hung from a marquee, and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.
- 34) Multiple-Faced Sign A sign with more than two faces.
- 35) Nonconforming Sign Any sign which does not comply with the regulations of this Sign Ordinance, or subsequent amendments.
- 36) Off-Premise Sign See Billboard
- 37) On-Premise Sign See Point of Purchase Sign
- 38) Painted Sign Any sign painted on any surface, including the roof of any building, visible from any public right-of-way.
- 39) Parapet That portion of the facade which extends above the roof line.
- 40) Person The word "person" shall include individuals, partnerships, associations, and corporations.
- 41) Point of Purchase Sign The term "point of purchase sign" shall mean any structure, device, display board, screen, surface or wall, characters, letters, or illustrations placed thereto, thereon, or thereunder by any method or means whatsoever where the matter displayed is used for advertising on the premises, a product or service, actually or actively offered for sale or rent thereon or therein.
- 42) Pole Sign See Free Standing Sign
- 43) Political Sign Any temporary advertising structure used in connection with a local, county, state, or national election campaign.
- 44) Premises A distinct unit or parcel of land including the appurtenances thereon.
- 45) Pylon Sign The term "pylon sign" shall refer to an advertising structure projecting from the wall or extending over the roof of any building, comprising a framework and display surface, the structural members of which are an integral part of the building upon which the sign is installed.

- 46) Real Estate Sign
Any sign installed by the owner or his agent on a temporary basis, advertising the real property upon which the sign is located for rent or for sale but shall not include rooming house signs.
- 47) Revolving Sign
See Animated Sign
- 48) Roof Sign
Any outdoor advertising display sign, installed, constructed or maintained on or above the roof of any building.
- 49) Rotating Sign
See Animated Sign
- 50) Sandwich Sign
See A-Frame Sign
- 51) Semi-Free Standing Sign
Any sign which is supported by one or more up-rights or braces in or upon the ground and partially attached to any building.
- 52) Sidewalk Sign
See A-Frame Sign
- 53) Shopping Area
A commercial establishment or a group of commercial establishments related in its location, size and types of shops to the trade area which the unit serves.
- 54) Sign
The word "sign" shall mean any display of banners and flags, characters, letters, illustrations or any ornamentations, or the complete structure on which any such characters, letters, illustrations or ornamentations are stated or applied (except buildings to which the same may be attached); used for identification, directional purposes, advertising or promotional purposes; provided, however, that "sign" shall not be construed so as to include self-contained fixtures approved by the National Board of Fire Underwriters or nonelectrical display, wholly contained within a store building and not visible from any public right-of-way.
- 55) Snipe Sign
Any sign of any size, made of any material, including paper, cardboard, wood, and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.
- 56) Swinging Projecting Sign
The term "swinging projecting sign" shall mean any sign projecting at an angle from the outside wall or walls of any building, which is supported by only one rigid support, irrespective of the number of guy wires used in connection therewith.
- 57) Time and Temperature Sign
A display containing illuminated numerals flashing alternately to show the time and/or temperature.

- 58) Vee-Shaped Sign Any sign that is attached to a building, other than a flat or wall sign, and which has two faces which are not parallel.
- 59) Vehicular Sign A sign affixed to or painted on a transportation vehicle or trailer, for the purposes of business advertising; however, not to include signs affixed to vehicles or trailers for identification purposes as required by licensing ordinances of the City.
- 60) Window Sign Any sign installed or maintained in the window of any building, visible from any public right-of-way.

Section 3-6 Temporary Signs

A. Real Estate Signs

Real estate signs shall be permitted only for the purpose of advertising the land or building for rent or for sale and shall relate only to the premises upon which the sign is located. Only one sign, double-faced or single-faced visible from one street front shall be permitted on each parcel of land located within any district. Such sign shall not exceed the number of square feet of sign area as shown in the table below. No permit shall be required for such temporary real estate signs.

<u>Maximum Sign Area</u>	<u>Total Aggregate Area</u>	<u>Within Distance of Residence</u>
6 sq. ft.	12 sq. ft.	50 ft.
12 sq. ft.	24 sq. ft.	100 ft.
20 sq. ft.	40 sq. ft.	150 ft. or more

B. Political Signs

Political signs are prohibited.

C. Construction Signs

Any sign erected on the site of construction displaying on said sign the name of the builder, contractor, developer, architect, engineer, painter, plumber, or other persons or artisans interested in said construction shall be permitted only while construction is actually in progress and shall be removed within 30 days following completion or abandonment of work. Such signs shall not exceed 32 sq. ft. per sign face in area with an aggregate area of 64 sq. ft. One sign is permitted per construction site. No permit shall be required for such temporary construction signs.

D. Development Signs

a. Single family subdivisions, apartments, condominiums:

Development signs advertising the sale or rental of single family subdivisions, apartments or condominium developments shall not be permitted to exceed 32 square feet per sign face in area with an aggregate area of 64 square feet. One sign is permitted per development site.

Upon final certificate of occupancy of a completed residential structure said sign shall be removed or relocated in compliance with the size and distance requirements of a real estate sign.

b. Development signs advertising the sale or rental of commercial or industrial structures over 30,000 square feet of floor space and under construction upon the land which is being developed shall not be permitted to exceed 200 square feet in area, total aggregate area of 400 square feet. One such sign is permitted per each street frontage. Permits are required for developments signs.

Upon final certificate of occupancy of a completed commercial or industrial structure said sign shall be removed or relocated in compliance with the size and distance requirements of a real estate sign.

Section 3-7 Height of Projecting Structures Generally

Any sign projecting over private property and located where motor trucks may be required to pass beneath them, shall be erected and maintained at a height not to be less than fourteen (14) feet.

Section 3-8 Construction

General Provisions

- 1) All signs shall be constructed and erected in accordance with the standards and requirements of this Ordinance.
- 2) Every sign shall be designed and constructed to withstand a wind pressure of not less than FIFTY (50) POUNDS per sq. ft. The increase in stresses for short term loading shall not be applied to cantilevered projections, or where vibration or fluttering action can be anticipated.
- 3) Plastic Material. Letters, decorations and facings of signs constructed of noncombustible materials may be made of plastic approved by Fire Underwriters for the proposed use. Plastic used in signs shall be designed in accordance with the Plexiglas Hand Book for Sign Shops, Bulletin # PL-669, published by Rohm and Hass Co. of Philadelphia, Pa., dated March 1965, together with all current revisions, amendments and supplements. The design load on plastic face to be FIFTY (50) POUNDS per sq. ft.

Section 3-9 Removal, Repair or Alteration

Should any sign become abandoned or nonconforming; insecure or in danger of falling or otherwise unsafe in the opinion of the Building Official; the owner thereof; or the person or firms maintaining the same, or the owner of the property upon which an abandoned sign exists, shall upon written notice from the Building Official forthwith, in the case of immediate danger and in any case within ten (10) days, secure the same in a manner to be approved by the Building Official in conformity with the provisions of this Code or remove such sign. If such order is not complied with within ten (10) days the Building Official shall order the removal of such sign at the expense of the owner or lessee thereof.

The notice shall be in accordance with established procedure for legal notice to the owner, agent or person in control of such sign.

The owner, agent or person in control shall have the right, except in cases of emergency, to appeal from the decision of the Building Official as provided hereinafter, and to appear before the Board of Adjustments and Appeals at a specified time and place to show cause why he should not comply with said notice.

In case the owner, agent or person in control of such sign cannot be found or if such owner, agent or person shall fail, neglect or refuse to comply with notice to repair, rehabilitate or remove said sign, the Building Official, after ascertaining the cost of removal by competitive bidding procedures, shall cause such sign to be removed by the bidder of the lowest responsible bid.

The decision of the Building Official shall be final in cases of emergency which, in his opinion, involve imminent danger to human life or health. He shall promptly cause such sign to be made safe or cause its removal. For this purpose he may at once enter such land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem necessary.

Any nonconforming sign installed prior to this Ordinance which is destroyed or damaged to the extent of fifty (50) percent or more, or is altered or replaced, shall not be altered, replaced or reinstalled unless and until it shall have been made to conform to the provisions of this Ordinance.

Costs incurred by the removal of the sign shall be charged to the owner of the premises involved in the following manner. The Building Official shall report the removal of the sign by the City and City Council shall assess the entire cost of such demolition or removal against the real property upon which such cost was incurred, which

assessment shall include all administrative costs, postal expenses, newspaper publication and the like and when made constitutes a lien upon such property superior to all other except taxes.

The City Clerk shall file such lien in the County's Official Record Book showing the nature of such lien, the amount thereof and an accurate legal description of the property, including the street address, which lien shall date from the date of filing and recite the names of all persons notified and interested persons.

Section 3-10

STREET FACADE SIGN AREA TABLE

0	12.00%	0	4900	9.175%	449.575
100	11.95%	11.95	5000	9.125%	456.25
200	11.85%	23.70	5100	9.00%	459
300	11.80%	35.40	5200	8.975%	466.70
400	11.70%	46.80	5300	8.925%	473.025
500	11.65%	58.25	5400	8.875%	479.25
600	11.60%	69.60	5500	8.825%	485.375
700	11.50%	80.50	5600	8.80%	492.8
800	11.45%	91.60	5700	8.75%	498.75
900	11.35%	102.15	5800	8.70%	504.6
1000	11.30%	113.00	5900	8.65%	511.25
1100	11.25%	123.75	6000	8.6%	516
1200	11.20%	134.40	6100	8.575%	523.075
1300	11.125%	144.62	6200	8.525%	528.55
1400	11.075%	155.05	6300	8.5%	535.5
1500	11.00%	165.00	6400	8.45%	540.8
1600	10.925%	174.80	6500	8.4%	546
1700	10.875%	184.875	6600	8.35%	551.1
1800	10.80%	194.40	6700	8.3%	555.1
1900	10.75%	204.25	6800	8.25%	561
2000	10.70%	214.00	6900	8.2%	565.8
2100	10.625%	223.125	7000	8.175%	572.25
2200	10.55%	232.10	7100	8.125%	576.875
2300	10.50%	241.50	7200	8.1%	583.2
2400	10.45%	250.80	7300	8.05%	587.65
2500	10.40%	260.00	7400	8.00%	592
2600	10.325%	267.45	7500	7.975%	598.125
2700	10.25%	276.75	7600	7.925%	602.80
2800	10.20%	285.60	7700	7.90%	608.3
2900	10.15%	294.35	7800	7.85%	612.8
3000	10.10%	303	7900	7.825%	618.175
3100	10.00%	310	8000	7.80%	620
3200	9.975%	319.20	8100	7.775%	629.775
3300	9.95%	328.35	8200	7.725%	633.45
3400	9.9%	336.4	8300	7.70%	639.1
3500	9.85%	344.75	8400	7.675%	644.7
3600	9.80%	352.8	8500	7.65%	650.25
3700	9.75%	360.75	8600	7.625%	655.75
3800	9.70%	368.6	8700	7.6%	661.2
3900	9.65%	376.35	8800	7.55%	664.4
4000	9.60%	384	8900	7.5%	667.5
4100	9.525%	390.825	9000	7.475%	672.75
4200	9.475%	397.95	9100	7.45%	677.95
4300	9.425%	405.075	9200	7.425%	683.1
4400	9.375%	412.50	9300	7.40%	688.2
4500	9.325%	419.25	9400*	7.375%	693.25
4600	9.275%	426.65	9500	7.35%	699.25

Section 3-10 (Continued)

			14,800	6.10%	902.8
			14,900	6.090%	907.41
9800	7.25%	710.5	15,000	6.075%	911.25
9900	7.225%	715.275	15,100	6.06%	915.06
10,000	7.20%	720	15,200	6.045%	918.84
10,100	7.175%	724.675	15,300	6.030%	922.59
10,200	7.125%	726.75	15,400	6.015%	926.31
10,300	7.10%	731.3	15,500	6.00%	930
10,400	7.075%	735.8	15,600	5.995%	934.22
10,500	7.05%	740.25	15,700	5.980%	938.86
10,600	7.025%	744.65	15,800	5.965%	942.47
10,700	7.00%	749	15,900	5.950%	946.05
10,800	6.975%	753.3	16,000	5.935%	949.6
10,900	6.95%	757.55	16,100	5.920%	953.12
11,000	6.925%	761.75	16,200	5.905%	956.61
11,100	6.90%	765.9	16,300	5.90%	961.7
11,200	6.875%	770	16,400	5.890%	966.6
11,300	6.85%	774.05	16,500	5.875%	969.375
11,400	6.825%	778.05	16,600	5.860%	972.76
11,500	6.80%	782	16,700	5.845%	976.115
11,600	6.775%	785.9	16,800	5.830%	979.44
11,700	6.75%	788.75	16,900	5.815%	982.735
11,800	6.725%	793.55	17,000	5.80%	986
11,900	6.70%	797.3	17,100	5.795%	990.945
12,000	6.675%	801	17,200	5.780%	993.16
12,100	6.65%	804.65	17,300	5.765%	997.345
12,200	6.625%	808.25	17,400	5.750%	1,000.5
12,300	6.595%	811.185	17,500	5.735%	1,003.625
12,400	6.585%	815.51	17,600	5.720%	1,006.78
12,500	6.575%	821.875	17,700	5.705%	1,009.785
12,600	6.565%	827.19	17,800	5.70%	1,014.6
12,700	6.55%	831.85	17,900	5.695%	1,019.405
12,800	6.50%	832	18,000	5.680%	1,022.4
12,900	6.475%	835.375	18,100	5.665%	1,023.365
13,000	6.45%	838.5	18,200	5.650%	1,028.30
13,100	6.425%	841.675	18,300	5.635%	1,031.205
13,200	6.40%	844.8	18,400	5.620%	1,034.08
13,300	6.395%	850.535	18,500	5.605%	1,036.925
13,400	6.375%	854.25	18,600	5.60%	1,041.6
13,500	6.355%	857.925	18,700	5.5925%	1,045.7975
13,600	6.335%	861.56	18,800	5.5850%	1,049.98
13,700	6.315%	865.155	18,900	5.5775%	1,054.1475
13,800	6.30%	869.4	19,000	5.5725%	1,058.775
13,900	6.285%	873.615	19,100	5.5650%	1,062.945
14,000	6.265%	877.1	19,200	5.5575%	1,067.94
14,100	6.245%	880.545	19,300	5.55%	1,071.15
14,200	6.225%	883.95	19,400	5.545%	1,075.73
14,300	6.20%	886.6	19,500	5.5375%	1,079.8125
14,400	6.185%	890.64	19,600	5.530%	1,083.88
14,500	6.165%	893.925	19,700	5.5225%	1,087.9325
14,600	6.145%	897.170	19,800	5.5150%	1,091.97
14,700	6.125%	900.375	19,900	5.5075%	1,095.9925
			20,000	5.50%	1,100

Section 3-11 Reinspection

- A. The Building Official shall cause to be inspected annually, or at such other times as he deems necessary, each sign or advertising structure regulated by this Ordinance for the purpose of ascertaining if it is insecure or in need of repair or removal.

- B. All signs or advertising structures as regulated by this Code together with all their supports, braces, guys and anchors shall be kept in repair and unless of noncorroding metal shall be thoroughly painted at least once every two years. The Building Official may order the removal of any sign that is not maintained as set forth in the provisions of this section. Such removal will be at the expense of the owner or lessee according to Section 3-9.

Section 3-12 Stop Work Orders (Violations)

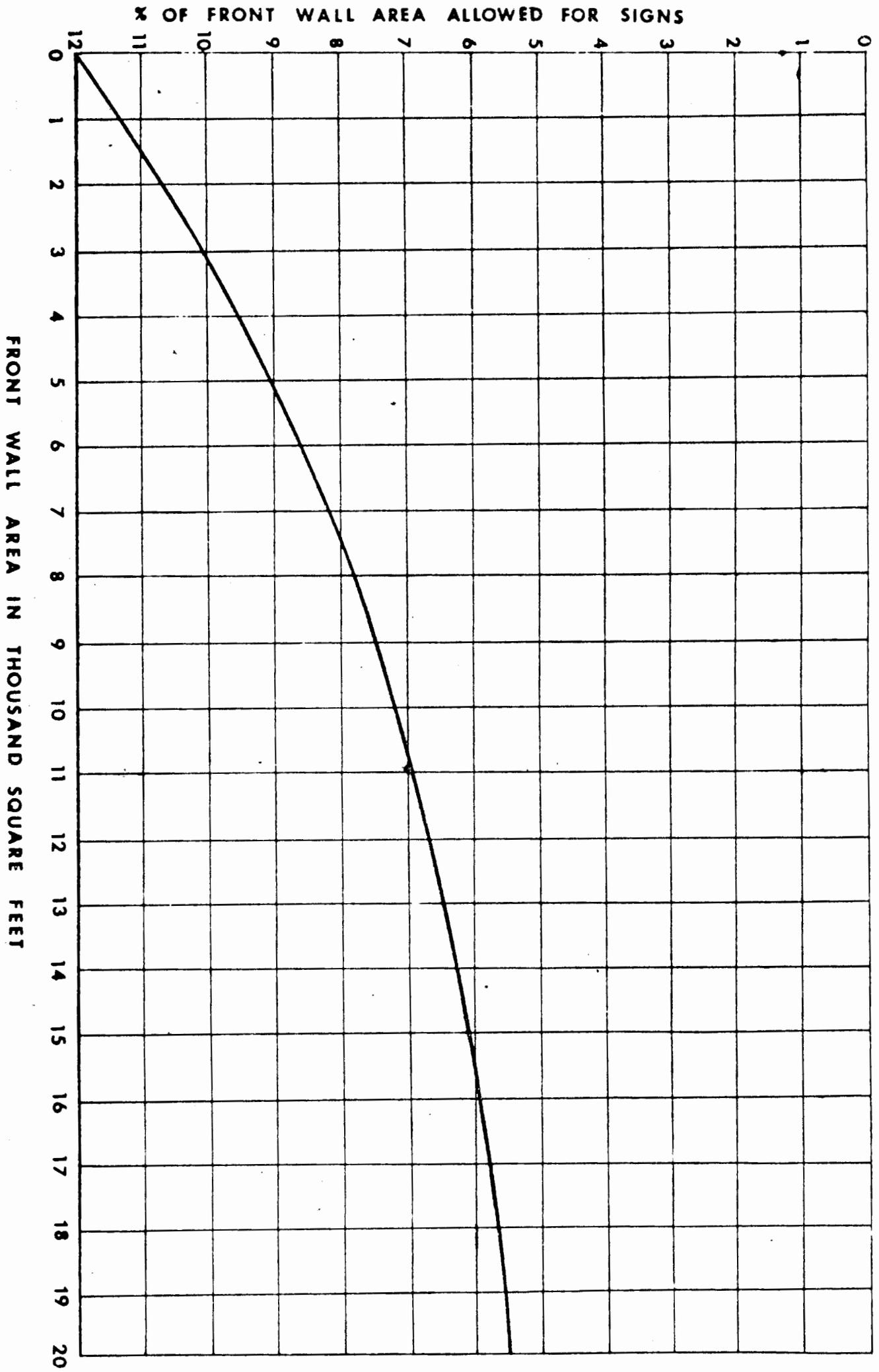
Upon notice from the Building Official that work on any sign or advertising structure is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to his agent, or to the person doing the work, and shall state the condition under which work may be resumed. Where an emergency exists, no written notice shall be required to be given by the Building Official.

Section 3-13 Violations

In case any sign shall be installed, erected, or constructed in violation of any City Ordinance, the Building Official shall notify by certified mail or written notice served personally, the owner or lessee thereof to alter such sign so as to comply with such regulations of the City and secure the necessary permit therefor, or to remove the sign. If such order is not complied with within ten (10) days the Building Official shall order the removal of such sign at the expense of the owner or lessee thereof.

Section 3-14 Appeals

- a) Any persons aggrieved by any decision of the Building Official in regard to the mode, manner or method of construction, erection or alteration of a sign, may appeal said decision to the Building Board of Adjustments and Appeals.
- b) Any persons aggrieved by any decision of the Building Official in regard to the permitted location, size or height of a sign, or the continuance of a non-conforming sign, may appeal to the Zoning Board of Appeals. Said appeal shall be an application for a variance and shall be granted only if the Zoning Board of Appeals determines that said variance is not contrary to the intent of this Code and that a literal enforcement of the provisions of this Code would be impracticable and would result in an unreasonable and unnecessary hardship.



SECTION 2. PENALTIES

Any person violating any of the provisions of this Ordinance, shall upon conviction, be subject to the provisions of the uniform penalty Ordinance, Ordinance No. 1123, enacted on October 6, 1976.

SECTION 3. REPEALING CLAUSE

All Ordinances or parts of ordinances in conflict herewith including Chapter XXIII of Southern Standard Building Code any others be, and the same, are hereby repealed.

SECTION 4. SAVING CLAUSE

If any section, portion or clause of this Ordinance, for any reason, shall be declared to be void or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect or invalidate the remaining sections, portions or clauses, and the remaining sections, portions and clauses thereof shall be and remain in full force and effect to the same extent as if such invalid sections, portions or clauses had not been incorporated herein.

SECTION 5.

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

SECTION 6.

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

SECTION 7.

These regulations should be read in conjunction with Chapter 23 Zoning, Section 23-28 "Sign Regulations".

SECTION 8.

Specific authority is hereby granted to codify this Ordinance.

SECTION 9.

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

PASSED AND APPROVED on first reading this 20th day of February, 1980.

PASSED AND ADOPTED on second and final reading this 7th day of May, 1980.

APPROVED:



Mayor



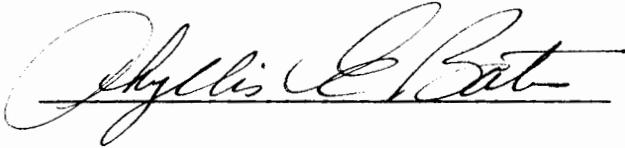
Chairman

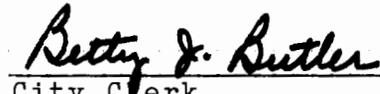


Chairman Pro Tem

ATTEST:







City Clerk



Council Members

	<u>1st Reading</u>	<u>2nd Reading</u>
MOTIONED BY:	<u>Guiden</u>	<u>Guiden</u>
SECONDED BY:	<u>Dodd</u>	<u>Dodd</u>
G. NIKOLITS	<u>Aye</u>	<u>Aye</u>
C. GUIDER	<u>Aye</u>	<u>Aye</u>
C. TOLBERT	<u>Aye</u>	<u>Aye</u>
R. DODD	<u>Aye</u>	<u>Aye</u>
C. LAWRENCE	<u>Aye</u>	<u>Aye</u>