

ORDINANCE NO. 2471

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING CHAPTER 12, OF THE CODE OF ORDINANCES AND ENACTING A NEW CHAPTER 12, RELATING TO THE ABATEMENT OF NUISANCES, JUNKED AND ABANDONED PROPERTY, AND NOISE CONTROL WITHIN THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION ONE.

That Chapter 12 of the Code of Ordinances of the City of Riviera Beach IS HEREBY REPEALED.

SECTION TWO

That a new Chapter 12 of the Code of Ordinance, consisting of Sections 12-1 through 12-128 inclusive, reading as follows IS HEREBY ENACTED.

ARTICLE I. IN GENERAL

Sec. 12-1. Filling, leveling ground with waste; noisome odors; prohibited.

The filling, leveling or raising the surface of any ground or lot within the city with animal or vegetable substances, filth gathered in cleaning yards or streets, waste material from mills or factories or the removal of surface of any ground filled with such offensive matters or substance in such manner as to cause noisome odors or noxious gases to arise are hereby declared nuisances injuries to health.

Sec. 12-2. Injurious nuisances prohibited.

(a) It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noises or any unreasonable noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city. All or any of the above shall be and constitute an injurious nuisance.

(b) It shall be unlawful for any person to conduct a business or permit such business to be conducted in such a manner as to constitute a nuisance or in such manner as to endanger the health, morals or welfare of the citizens of the city.

(c) A nuisance as contemplated by this section shall be described as, and shall include any situation or occasions where one or more people shall meet or congregate and who cause any disturbance to the neighborhood by loud noises, profane or indecent language, loud or raucous laughter or with voices or other behavior calculated to breach the peace of the citizens of the city. Indecent exposure by persons or indecent behavior are also nuisances. The loud racing or speeding of motors or scratching off of vehicles; or the making of loud noises by the use of tools

or the banging on metal in repair shops between the hours of 8:00 p.m. and 8:00 a.m. on weekdays and between 8:00 p.m. Saturday night and twelve o'clock noon Sunday are declared nuisances.

(d) Any servant, agent or employee in charge of a business permitting such nuisance to be maintained shall be equally responsible to the city as is the employer or owner thereof.

Sec. 12-3. Filth, offensive matter, etc.

(a) Filth, the contents of cesspools, offal, garbage, foul water, dye-water, refuse from manufactories, urine, stable manure, decayed animal or vegetable matter of other offensive substance detrimental to health, thrown, placed or allowed to remain in or upon any private premises, street, avenue, alley sidewalk, gutter, public reservation or open lot within the city are hereby declared nuisances injurious to health.

(b) No person shall discharge on any street or alley or on his own, or the premiss of another, any foul or fetid water or fluid substance, or throw thereon any decaying flesh or vegetable or other offensive or noisome matter.

Sec. 12-4. Unclean hogpens, slaughterhouses, etc., prohibited.

Keeping, herding and feeding of hogs in pens or otherwise; the keeping of any animal affected by glanders or other contagious or pestilential disease; unclean and filthy slaughterhouses, rooms buildings or places where sheep, hogs, cattle or other animals are slaughtered, are hereby declared to be nuisances injurious to health.

Sec. 12-5. Keeping hides, filthy rags, bones, etc., prohibited.

No person shall keep green or dry hides or filthy rags, bones, guano or other matter or things of offensive or noisome odors in his place of business. The city shall order any person keeping such nuisances to remove the same within twenty-four (24) hours, and a failure by said person to comply with such order, without good cause, shall be in violation of this chapter.

Sec. 12-6. Carcasses prohibited.

Whenever any carcass shall be found, the city shall order the owner thereof or of the premises whereon it is found to remove it within six (6) hours. Failure to comply with such order, without good cause shall be a violation of this chapter.

Sec. 12-7. Rubbish, trash stagnant water, underbrush, hazardous growth, etc., causing health or fire hazard, prohibited, declared public nuisance.

It is hereby found and declared to be expedient and necessary to the preservation of the public health, comfort, safety and welfare of the inhabitants of the city, that all land within the city be required henceforth to be kept clean, sanitary and free from all weeds, brush, trash, filth and other obnoxious growth. The allowing of debris, rubbish, trash, tin cans, papers or stagnant water to accumulate on any lot, tract or parcel of land, improved or unimproved in the city to the extent and in the manner that it constitutes or may reasonably become a menace to life,

property, the public health and welfare, creates a fire hazard or provides a nest and/or breeding ground for insects, rodents, snakes and other types of pests and vermin shall be unlawful and is hereby prohibited and declared to be a public nuisance.

Sec. 12-8. Any nuisance affecting health and morals prohibited.

Any nuisance within the city affecting or likely to affect the health or morals of the community not specifically mentioned or described, may be abated and the maintaining of such nuisance may be punished as hereinafter provided.

Sec. 12-9. Abatement.

The city manager or designee shall have authority to order any nuisance within the city to be abated and if any person shall fail to abate any nuisance when ordered to do so within the time prescribed by the city manager or if the owner or occupant of the premises where the nuisance is located cannot be found within the city, then the city manager may order the chief of police to abate the nuisance in which case the chief shall proceed to abate the nuisance, and shall have authority to enter upon the property where the nuisance is located and do whatever reasonably necessary in abating the nuisance. It is unlawful for any person to interfere with the chief or with any person acting under the direction of the chief in the abatement of such nuisance.

Sec. 12-10. Shrubbery and other visual obstructions at intersections.

(a) Distance from intersection. On any corner or intersection, no wall, fence or other obstruction including a sign, or structure shall be erected and no hedge, tree, shrub or other growth shall be permitted or maintained within twenty-five (25) feet of the intersection of two (2) streets at a height of more than three (3) feet above road grade in residential districts within the city. A wire fence with a mesh size of no less than two (2) inches may be erected to a height of five (5) feet on a lot at the intersection of two (2) streets provided no hedge, bushes, vines or any other type of visual obstruction be placed or maintained in front of or behind a fence within twenty-five (25) feet of the intersection at a height of more than three (3) feet above road grade.

(b) Side and rear lot lines. On all side and rear lot lines, in all residential areas, solid walls, hedges and fences shall be limited to a height of five (5) except as on the corners as above designated.

(c) Fencing. All mesh fencing of two (2) inches or larger shall have all horizontal strands at an even height in order to prevent obstruction to sight. No barbed wire shall be permitted as fencing anywhere within the city except that it may be permitted on the top of a fence five (5) feet or higher in commercial districts provided it is installed in the usual manner at an angle with the barbed wire leaning in toward the property.

(d) Easements. All easements shall be left free and clear without fences, hedges or walls except where special exception has been granted. Such special exception may be granted by the city council only when the property owner has first agreed in writing to remove such obstruction upon the

request of the city council and at the property owner's expense.

Sec. 12-10.1. Numbering of property--Owner, tenant responsibility.

Residential and business property owners and/or tenants shall be responsible for the proper display of the correct house or property address, by number, in a conspicuous place on the front of the building.

Sec. 12-10.2 Same--Specifications.

All numbers used to designate a house or property address shall be at least three (3) inches in height and must contrast with any background material and be readily visible from the street.

Sec. 12-10-3. Same--Penalty.

Any person, firm or corporation failing to comply with this section will be deemed to be in violation of this section and, upon conviction thereof, shall be punished as prescribed in section 1-8, entitled "generally penalty" of the Code of Ordinances.

Secs. 12-11--12-25. Reserved.

ARTICLE II. WEEDS AND WEED CONTROL

Sec. 12-26. Prohibited.

The dense growth of trees, vines, underbrush, weeds, wild growth and grass in excess of eighteen (18) inches in height is prohibited in the city.

Secs. 12-27. Hazardous growth.

When the growth of trees or bushes or any other vegetation or the fruits thereof and particularly coconuts, coconut palms and other palms which by reason of height, proximity to neighboring structures, physical condition, disease, such as but not limited to lethal yellowing of palms, or other peculiar characteristics might in time of hurricane winds prevalent in this region cause injury to life or damage to property within the immediate area surrounding such region or cause the spread of disease or when the existence of any debris, vegetation or other matter is prohibited and declared to be a public nuisance.

Sec. 12-28. Inspection; notice; failure to comply.

(a) If the city code inspector or a duly authorized city employee finds that any lot, tract, or parcel of land in the city is in violation of any sections of the Code of Ordinance he shall direct a notice to the owner of record of such property by certified mail with a return receipt requested at his last known mailing address as shown by the records of the tax records of the county that the property is in violation of said section(s), and that the property needs to be cleaned or the hazardous growth removed whichever is applicable within the specific time period. The notice shall state the estimated cost of such clearing or removal work and that there will be added to such cost seventy-five dollars (\$75.00) for administrative and accounting costs, plus costs incurred for advertising, if the owners do not clean the land or remove hazardous growth.

(b) If there is an occupied dwelling on the property, a copy of the notice shall be served by an appropriate official of the city including but not limited to a police officer upon the occupant of the property or upon any agent of the owner thereof. The mailing of such notice shall be sufficient proof thereof, and the delivery of notice to an occupied dwelling shall be equivalent to mailing. If the mailing address of the owner is not known and the property is unoccupied, and the owner has no agent in the city or the notice directed by certified mail is returned undelivered, such notice shall be posted upon the property as notice to the owner, a copy posted at an appropriate location at the city hall and notice published at least once not less than ten (10) days before cleaning, in a newspaper circulated in the city, calling attention to the owner of such violation and including a description of the property.

(c) If the owner or occupant of any land so notified shall fail to comply with the order of the official within the period so prescribed, then the official shall proceed to have such land cleaned and cleared or hazardous growth removed at the price quoted, and the city shall cause such bill to be paid. He shall report his action to the city council signifying the amount paid for such work and shall add thereto seventy-five dollars (\$75.00) for administrative and accounting costs and any other costs incurred.

Sec. 12-29. Lien against benefited land; notice.

(a) Upon completion of the work, the cost of such clearing, plus the administration and accounting expenses plus any other costs incurred, shall be assessed against the owners of the property benefited by such cleaning and clearing, and such total amount shall be a lien against such parcel of land so benefited, and shall bear interest at the rate of eight percent (8%) per annum.

(b) The city clerk shall send a notice to such owners by certified mail, with a return receipt requested stating that because of their failure to comply with the building inspector's order, the city has caused the land to be cleared. The notice shall show the total amount assessed against the property and state that the amount has been assessed against them and is a lien against the property so benefited and that such sum shall bear interest at the rate of eight percent (8%) per annum until paid. The city tax collector shall issue statements showing the amounts of such liens at the same time the tax statements for ad valorem taxes thereafter are submitted to the owners of lots, tracts or parcels of land subject to such liens.

Sec. 12-30. Protest; aggrieved persons.

Any aggrieved party who wishes to protest the amount or justice of any assessment under this section shall have the right to file a complaint or protest within fifteen (15) days of the day the assessment was made known to him. The complaint or protest shall be filed with the city clerk in writing. The city council shall sit in a special meeting to hear and determine any complaints or protests of any aggrieved party. Upon the hearing of the complaints the city council shall make such adjustments as it deems just and proper.

Sec. 12-31. Diseased vegetation and trees--Prohibited.

(a) The retention and maintenance on private property of diseased vegetation and/or trees and particularly palm trees infected or killed by the lethal yellow disease or

hereby found, declared and deemed to be a public nuisance detrimental to the health, convenience, comfort and safety of the public and the creation of such a nuisance is hereby declared to be unlawful, and the failure or refusal of the owner or party in possession of the private property to remove such dead vegetation and/or trees is declared to be unlawful.

(b) The director of recreation and parks of the city is hereby authorized and empowered to affix or cause to have affixed to such dead vegetation and/or trees a notice to the owner or party in possession of the private property to remove such dead vegetation and/or trees within twenty (20) days. A letter of explanation shall be left at the property in question if there is an occupied dwelling on the property. A legal notice shall be sent by certified mail to the owner of the property in question notifying the owner that the diseased vegetation and/or trees shall be removed within twenty (20) days.

(c) If diseased vegetation and/or trees are removed by other than the owner or party in possession of the private property, such work shall be done by a tree contractor.

Sec. 12-32. Same--Inspection; notice to abate.

The city manager or his designated representative shall, as often as may be necessary inspect lands within the city. If the city manager or his designated representative shall determine that such nuisance exists on any lands within the city, he shall forthwith notify the person designated as the owner of the property on the public records of Palm Beach County of such nuisance and direct such person to abate the nuisance within a reasonable time from the date of such written notice. Such written notice shall be considered effective upon personal service as provided for in Florida Statutes or upon execution of a return receipt indicating that such notice by mail has been accepted at such person's address or by posting a copy of such notice on the property determined to be such a nuisance and by publishing the notice one time in a newspaper of general circulation in the city.

Sec. 12-33. Same--Form of notice to abate.

The notice to abate shall be in substantially the following form:

NOTICE TO ABATE NUISANCE

_____ Date

TO: _____

ADDRESS: _____

PROPERTY: _____

Lot, Block--Subdivision or Plat

You as the owner of the above described property, are hereby notified that it has been determined by the City of Riviera Beach City Manager that the following condition constituting a nuisance, exists on such property:

(describe nuisance)

Unless within _____ days you abate such nuisance, or file your appeal to the City Council in the manner provided in Ordinance No. 1050, the City will abate the nuisance and thereafter the cost of such work shall be an assessment against such property.

City Manager or Designated
Representative

Sec. 12-34. Right of appeal; notice and hearing.

Within twenty (20) days from the notice provided for in section 12-32, the owner of the property described in such notice may appeal from the decision of the city manager by filing in the office of the city manager a notice of appeal to the city council. The city manager shall place the appeal on the agenda for hearing at a regular or special city council meeting and notify the owner by mail of the date, time and place of such hearing. At such hearing the owner may introduce any relevant evidence to show why the determination that a nuisance exists should be reversed or modified. The city manager or his designated representative may introduce relevant evidence he may have in support of his conclusion. The city council shall, as soon after such hearing as possible, render its decision in the form of a resolution reversing or modifying the findings of the city manager or affirming his findings and directing that each nuisance be abated and provided the cost of such abatement may be assessed as a lien against the property in the manner provided for in this section.

Sec. 12-35. Same--Abatement by city.

If within the specified time the owner has not abated the nuisance or filed an appeal to the city council in the manner provided in this section, the city manager or his designated representative shall cause the nuisance to be abated by the city's employees, agents or contractors who shall be authorized to enter upon the property and take such action as is reasonably required to effect abatement. The city manager shall report the cost of abatement to the city council and the city council shall by resolution provide that the cost of abatement is a lien against the property on which the nuisance is abated of equal dignity with taxes for the year in which such expenditure was incurred. The city manager or designated representative shall have the power to enforce this section. The city manager or his designated representative may enter any premises, private or public for the purpose of making inspection, upon presentation of proper credentials in connection therewith.

Sec. 12-36. When lien due; penalty for delinquency; manner of collection upon nonpayment.

(a) The cost of abatement shall be paid within the taxable year in which such expenditure was incurred, and shall remain a lien co-equal with the lien of all state, county, district and municipal taxes, superior in dignity to all other liens, titles and claims, until paid, and shall bear interest at the rate not to exceed eight percent (8%) per annum from the date of abatement. If not paid within the taxable year in which such expenditure was incurred, there shall be added a penalty at the rate of one percent (1%) per month until paid. Upon failure of the property owner to pay such assessment when due, the city council shall cause to be brought the necessary legal proceedings to enforce payment thereof with all accrued interest and

penalties together with all legal costs incurred, including a reasonable lawyer's fee to be assessed as part of the costs.

(b) The city shall have the right of foreclosure upon default of payment of such assessment when due and service of process against unknown or nonresidential defendants may be had by publication, as now provided by law in other chancery suits. The foreclosure proceedings shall be prosecuted to a sale and conveyance of the property involved in said proceedings as now provided by law in suits to foreclose mortgages or in any other alternative remedy provided by law.

Secs. 12-37--12-50. Reserved.

ARTICLE III. JUNKED, WRECKED, ABANDONED PROPERTY

DIVISION 1. GENERALLY

Secs. 12-51--12-65. Reserved.

DIVISION 2. MOTOR VEHICLES*

Sec. 12-66. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Property shall mean any real property within the city which is not a street or highway.

Street or highway shall mean the entire width between boundary lines of every publicly dedicated right-of-way within the city limits.

Vehicle shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

Abandoned property shall mean all tangible personal property which does not have an identifiable owner and which has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or which has no apparent intrinsic value to the rightful owner.

Sec. 12-67. Abandonment of vehicles prohibited.

No person shall abandon, store, park or lease or permit parking or storing of any licensed or unlicensed vehicle as defined in section 12-66 within the city. No person shall leave any such vehicle at any place within the city for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

Sec. 12-68. Leaving of wrecked, nonoperating vehicles on street prohibited.

No person shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on any street or highway within the city.

Sec. 12-69. Disposition of wrecked or discarded vehicles.

No person in charge or control of any real property within the city, whether as owner, tenant, occupant, lessee or otherwise shall allow any partially dismantled, nonoperating, wrecked, junked or discarded vehicle to remain on such property longer than ten (10) days. No person shall leave any such vehicle on any property within the city for longer time than ten (10) days. This section shall not apply with regard to a vehicle in an enclosed building or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

Sec. 12-70. Nuisances; duty of owner.

The accumulation and storage of such vehicle as defined in sections 12-67 through 12-69 on public or private property shall constitute a nuisance, detrimental to the health, safety and welfare of the inhabitants of the city. It shall be the duty of the owner of such vehicle and the private property owner or lessee or other person in possession of private property upon which such vehicle is located to remove it from the city or to have it housed in an enclosed building where it shall not be visible from the street.

Sec. 12-71. Code Inspector's duty.

The code inspector shall give written notice to the registered owner of the vehicle which is in violation of sections as herein described, or to give such notice to the owner, lessee or person in possession of the private land whereon the vehicle is situated if the identity of the registered owner is not readily ascertained, advising such person that the vehicle violates this division and demanding that the motor vehicle be removed from the city within ten (10) days or that within ten (10) days it be housed in an enclosed building where it will not be visible from the street. Such notice may be given by personal service or by certified mail.

Sec. 12-72. Junked motor vehicles of no market value.

Junk motor vehicles having no market value other than for salvage or parts or as scrap metal abandoned on city streets in an inoperable condition are hereby declared to be public nuisances, and members of the police department are hereby authorized to summarily abate such nuisances by removing junk motor vehicles and disposal of same.

Sec. 12-73. Pretaking hearing.

Before any property shall be taken, disposed of through sale, auction, gift, destruction or any other method of disposition and any supplemental regulations in Chapter 705, Florida Statutes, any person claiming an interest in the property shall be notified and given the right to a pretaking hearing before the code enforcement board on a date not to be sooner than five (5) days after the dates prescribed in Chapter 705.103, Florida Statutes which prescribe thirty (30) days' notice as to boats and ten (10) days as to other property. The notice of date, time and location of the pretaking hearing shall be incorporated and be a part of the notice requirements referenced in or as otherwise provided by law or hereinafter amended.

Sec. 12-74. Penalty.

(a) Any person, firm or corporation violating any of the provisions of this section shall upon conviction thereof

be punished as provided by section 1-8 of this Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(b) Any person, firm or corporation failing to comply within ten (10) days of notice shall be given notice of right to pretaking hearing before the Code Enforcement Board of Riviera Beach. Any person with an interest in the property that has been so notified will be presumed to have abandoned such property after expiration of the time period specified on the pretaking notice. The property will be removed by the City of Riviera Beach or authorized agent to a place of storage to be held for thirty (30) days at the expense of owner. The property may be reclaimed within thirty (30) days of removal with proof of title and payment of towing and storage costs. The property must be removed from city or brought into compliance of this code. After thirty (30) days, the property will be destroyed or disposed of.

Secs. 12-75--12-85. Reserved.

DIVISION 3. OTHER PERSONAL PROPERTY

Sec. 12-86. Wrecked, derelict, and other abandoned property.

(a) When any wrecked, derelict or abandoned personal property other than a motor vehicle as defined in section 12-66 shall be found upon any street, avenue alley or other public way or upon any public park, square, or other public place or grounds within the corporate limits, it shall be the duty of the chief of police or any police officer to take possession of such property. It shall be the duty of the chief of police or designee forthwith to notify the owner of the property if the owner is known.

(b) It shall be unlawful for any person to knowingly abandon or discard any refrigerator, icebox, home freezer or other airtight unit from which the doors have not been removed.

(c) It shall be unlawful for any person to maintain on premises, where children may have access thereto any refrigerator, icebox, home freezer or other such device which has been abandoned or which is not in use without having removed the door therefrom. This section will not apply to any commercial dealer who has fenced and locked his premises.

Sec. 12-87. Notice of sale.

When any wrecked, derelict or abandoned property is seized under the provisions of section 12-86, if the owner of the property fails to repossess the property within three (3) days after being notified or if the owner is unknown, it shall be the duty of the chief of police to report the seizure of the property to the city manager and the city manager shall order the chief of police in writing, to sell the property at public outcry, after giving a reasonable notice of the time and place of such sale. A notice describing the property, the time and place of sale and the name of the owner, if known, posted at the city hall at least ten (10) days before the date of sale, shall be and constitute reasonable notice of sale.

Sec. 12-88. Pretaking hearing.

Before any property shall be disposed of through sale, auction, gift, destruction or any other method of disposition as provided for in section 12-87 and the supplemental regulations adopted thereto or F.S. §705.16, any person claiming an interest in the property shall be notified and given the right to a pretaking hearing before the code enforcement board on a date not to be sooner than five (5) days after the dates prescribed in F.S. §705.16(4)(a), which prescribes thirty (30) days' notice as to boats and ten (10) days as to other property. The notice of date, time and location of pretaking hearing shall be incorporated and be a part of the notice requirements in section 11-87 or as otherwise provided by law or hereinafter amended.

Sec. 12-89. Sale, disposition of proceeds.

(a) The sale shall be made by the chief of police or any officer under his direction at the time and place described in the notice and shall be to the highest bidder for cash. The chief of police shall deliver the property to the highest bidder, and shall deliver a bill of sale to the purchaser if requested. The purchaser shall pay the cost of preparing the bill of sale in addition to the purchase of the property.

(b) The chief of police shall deduct from the proceeds of the sale the actual necessary expense incurred by him in caring for the property, and three (3%) percent of the proceeds of the sale for caring for the property and making the sale which shall be paid into the treasury of the city. The net proceeds of the sale after making the deductions as aforesaid shall be paid over to the director of finance for the benefit of the city. The net proceeds after deductions shall be paid to the owner or any person entitled thereto, if claim shall be made to the city with satisfactory proof of ownership within one (1) year and a day from the date of the sale.

Secs. 12-90--12.105. Reserved

ARTICLE IV. NOISE

DIVISION 1. GENERALLY

Sec. 12-106. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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 fifty percent (50%) of the time during an observation period of not less than seven (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 all 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 follow:

- (1) Observe a sound level meter and at either five-second or ten-second intervals and record the A-weighted level indicated by the meter needle with the meter on fast response;
- (2) Repeat the observation and measurements over a period of not less than seven (7) minutes and of a sufficient time period so as to make at least fifty (50) readings;
- (3) Calculate the A-weighted sound pressure level that is exceeded fifty percent (50%) of the observation period. This level shall also be referred to as the L50.

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 state Department of Transportation as are designated or authorized by the department or the chief of police of an incorporated city or any sheriff of any of the various counties.

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.

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 similar property.

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 ten (10) times the logarithm of the ratio of the intensity of the sound to the intensity of a specified standard sound; abbreviated dBA.

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.

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.

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

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.

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.

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 environment level two (2) or more times during the period of observation.

Motor vehicle: Motor vehicle means any vehicle which is self-propelled.

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.

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

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.

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)

Noise sensitive zone: Quiet zones as designated by the city council. Noise sensitive activities include but are not limited to operations of schools, libraries open to public, churches, hospitals and nursing homes.

Nonsteady noise: A nonsteady noise is the same as a fluctuating noise.

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

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.

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

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

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 Sl.4-1971, or its successor publications.

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, and shall be called the sound level.

Steady noise: A steady noise is a nonfluctuating noise or a noise whose level remains essentially constant during the period of observation.

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 five (5) dBA 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.

Zoning district: A zoning district is any of the several designated categories in the zoning chapter.

Sec. 12-107. Purpose and scope.

(a) It is the purpose of this article to prevent, prohibit and provide for the abatement of unnecessary noise which may injure the health or welfare or degrade the quality of life of the citizens and residents of the city and adjoining neighbors of the surrounding municipalities. This article shall apply to the control of all sound originating within the limits of this jurisdiction.

(b) This article shall constitute a uniform law applicable throughout the incorporated area of the city.

Sec. 12-108 Exemptions.

The following are exempt from the operation of this article except the operating motor vehicles under section 12-126(d) which specifically exempts certain vehicles:

- (1) All public parks, schools, play grounds and recreation areas specifically designated for such activity in performance of that activity;
- (2) All equipment tests required by law;
- (3) All procedures or processes required by law;
- (4) All accidental soundings of equipment or mechanical failure or equipment making noise prohibited in this article;
- (5) Noises of safety signals, warning devices, and emergency pressure relief valves;
- (6) Noises resulting from emergency work as defined in section 12-106;

- (7) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit has been granted by city manager.

Sec. 12-109. Periods of observation.

All periods of observation made in this article 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.

Sec. 12-110. 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-weighting 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 11B-6.

(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.

Sec. 12-111. Sound truck advertising prohibited, exception; permit.

(a) It shall be unlawful for any person, either as principal, agent or employee, to play, use or operate for advertising purposes or for any other purpose on or upon the public streets, alleys or thoroughfares of the city any device known as a sound truck, loud speaker or sound amplifier or radio or phonograph equipped with a loud speaker or sound amplifier or any instrument of any kind or character which emits loud noises and is attached to or upon any vehicle operated or standing upon any street, alley or thoroughfare of the city.

(b) Any person may use vehicle-mounted sound equipment on the streets, alleys and thoroughfares of the city between the hours of 9:00 a.m. and 7:00 p.m. for any lawful purpose, except for the purpose of commercial advertising.

(c) Before any person shall use vehicle-mounted sound equipment on the streets, alleys and thoroughfares of the city, such person shall file with the city council an application for a permit to operate such device. Such application shall state the purpose for which such equipment

is to be used, and the date, time and place it is proposed to be operated.

(d) It shall be unlawful for any person to operate vehicle-mounted sound equipment on the streets, alley or thoroughfares of the city without first procuring approval of the city council and a permit from the city clerk.

(e) If the city council shall approve such application, it shall authorize the city clerk to issue a permit for the operation of such device. The city council shall have the right to regulate and control the volume at which such device may be operated and the hours during which it may be used.

Sec. 12-112. Enforcement authority.

(a) **Riviera Beach Police Department.** The provisions of this article 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 shall be investigated and enforced by the police department with assistance from the department when necessary.

(b) **Building department.** The provisions of this article 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. The building department shall assist the police department when requested to do so.

Sec. 12-113. Enforcement procedure.

(a) **Operating motor vehicle noise enforcement.** The procedure for enforcing operating motor vehicle noise standards shall be as established in F.S. Chapter 316 and applicable rules and regulations of the state department of pollution control with the cooperation of the state department of highway safety and motor vehicles.

(b) **All other noises.** In all other cases, the procedure for enforcing the provisions of this article 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 12-125 or other sections of this chapter, where applicable.
- (2) If the noise level is found to be in violation of this article, 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 police department and charged with violating this article.

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.

Sec. 12-114. Application for special construction permit.

(a) Application for a permit for relief from the noise level designated in this article 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 chapter; 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.

(b) Upon any affirmative finding of the 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 8:00 a.m. to 8:00 p.m., the noise levels generated by construction activities shall not exceed ninety (90) dBA for more than ten percent (10%) of the time when measured at a distance of fifty (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.

Sec. 12-115. Voluntary compliance.

The city will permit whenever possible those persons creating excessive and unusually loud noise to conform to the standards as provided in this article through voluntary compliance within a reasonable time (see section 12-116(a)).

Sec. 12-116. Variances.

(a) **Special variances granted by city manager.** The city manager is authorized to grant a variance for extension of time for compliance with any provision of this article, 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 forty-five (45) days' extension of time from the day on which it was granted.

(b) **Variance granted by 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 chapter 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 procedures 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 variance.

(c) **Conditions.** 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 chapter for which the variance was granted.

(d) **Duration.** A variance will not exceed three hundred sixty-five (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 variance under (a).

Sec. 12-117. Penalty; abatement of violations.

(a) Any person violating any of the provisions of this article shall, upon conviction, be subject to the provisions of the uniform maximum penalty in section 1-8.

(b) Violations of this article shall be prosecuted in the same manner as other violations of the city's code; or traffic infraction where applicable provided, however, that in the event of violation of sections 12-127 and 12-128, a written notice of intent to prosecute will be given the alleged violator not less than five (5) calendar days prior to the issuance of a 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-day period. In the event the alleged violator cannot be located in order to serve the notice of intent 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-day period shall commence at the date of the day following the mailing of such notice.

(c) As an additional remedy, the operation or maintenance of any device, instrument vehicle or machinery

in violation of any provisions of this article 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.

Secs. 12-118 -- 12-124. Reserved.

Sec. 12-125. Measurement standards for control of noise from other than operating motor vehicles.

(a) The noise from any activity or from any permissible use of property within meaning of the applicable zoning district classifications of the city 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 prescribed in section 12-125 et seq., 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 percent (50%) during the observation period as described in section 12-109.

(b) At no point on the boundary of or within a residential area zoned RS-5, RS-6, RS-8, RD-15, RM-15, RMH-15, RMs-20, RMH-20, R-PUD and MH, according to the zoning code and official zoning map of the city and as a result of any noise source outside of the property in question may the following sound pressure levels be exceeded:

- (1) Fixed mechanical equipment, day and night 55 dBA
- (2) All others:
 - a. Day: 50 dBA
 - b. Night: 45 dBA

(c) At no point on the boundary of or within the area zoned CN, CM, CG, OP, IL, CF, RD, C-PUD according to the zoning code and official zoning map of the city may the following sound pressure levels be exceeded as a result of any noise source outside the property in question:

- (1) Fixed mechanical equipment, day and night: 65 dBA
- (2) All others:
 - a. Day: 60 dBA
 - b. Night: 55 dBA

(d) At no point on the boundary of or within a property zoned IG, I-PUD, U according to the zoning code and official zoning map of the city may the following sound pressure levels be exceeded as a result of any noise within the boundary of another property:

- (1) Fixed mechanical equipment, day and night: 65 dBA
- (2) All others:
 - a. Day: 65 dBA
 - b. Night: 60 dBA

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

(e) At no time within any sleeping or living room in any dwelling unit, within all residential zones, 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:

- (1) Fixed mechanical equipment, day and night: 55 dBA
- (2) All others:
 - a. Day 50 dBA
 - b. Night: 45 dBA

(f) For any source of sound at the boundary of the property from which the sound emanates, except as provided in section 12-128(16), the maximum sound level resulting from repetitious intermittent noise shall not exceed the sound pressure level limits in (b) through (e) above by any one (1) 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.

(g) For any source of sound which emits a discrete tone, the sound pressure level limits set in subsections (b) through (e) above shall be reduced by five (5) dBA.

(h) 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 any time on Sunday or holidays, it shall constitute violation of this article if the sound level specified in subsections (b) and (c) above, exceed in receiving residential area or property.

Sec. 12-126. Operating motor vehicle noise.

(a) **Definitions.** The following words and phrases when used in this section shall have the meanings respectively assigned to them herein except where the context requires otherwise:

- (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 fast dynamic response need be provided.
- (5) Department means the Florida 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, 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 (c) below.

(1) For motorcycles other than motor-driven cycles:

Date of Manufacture	Speed level limit	
	Speed limit 35 mph or less	Speed limit over 35 mph
Before January 1, 1979	82 dBA	86 dBA
On or after January 1, 1979	78 dBA	82 dBA

(2) For any motor vehicle with a GVWR over ten thousand (10,000) pounds and for any multipurpose passenger vehicle, which is defined as a motor vehicle with motive power designed to carry ten (10) persons or less, which is constructed either on a truck chassis or with special features for occasional off-road operations; or for any motor vehicle with a GVWR or GCWR of ten thousand (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 dBA	90 dBA

(3) For motor-driven cycles and any other motor vehicle not included in (1) or (2) above:

Date of Manufacture	Sound level limit
From Jan. 1, 1973, to Dec. 31, 1974	84 dBA
From Jan. 1, 1975, to Dec. 31, 1984	80 dBA
On or after January 1, 1985	75 dBA

(4) For motor-driven cycles and any other motor vehicle not included in (1) (2) or (3) above:

Date of Manufacture	Sound level limit	
	Speed limit 35 mph or less	Speed limit over 35 mph
Before January 1, 1979	76 dBA	82 dBA
On or after January 1, 1979	72 dBA	79 dBA

(c) **Measurement procedures.** The measurement procedures for determining compliance with this section shall be established by regulation of the state department of

environmental regulation as provided in F.S. §403.415. Such regulations shall include the section of measurement sites and measurement procedures and shall take into consideration accept 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 article.

- (1) Emergency vehicles operating as specified in section 12-128(1)a.;
- (2) Any motor vehicles engaged in a professional or amateur sanctioned, competitive sports event for which admission or entry fee is charged or practice 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 the job site or traveling on highways;

The provisions of this chapter shall not apply to any motor vehicle which is not required to be licensed under the provisions of F.S. Chapter 320.

(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 article 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 the city 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.

Sec. 12-127. Noise disturbances prohibited.

It shall be unlawful for any person 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 or adjoining neighbors of the surrounding municipalities as prohibited in this article.

Sec. 12-128. Specific prohibitions.

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

- (1) **Radios, televisions sets, musical instruments and similar devices.** Operating, playing or permitting the operation or playing of any

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 12-125 or (13) below, 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 12-125(c) measured at a distance of at least fifty (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 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 any time violates the provisions of section 12-125 or (13) below except for any noncommercial 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 zone 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 12-125 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, container, 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 any time to violate the provisions of section 12-125 or (13) below.

Construction. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work or related construction activity, between the hours of 6:00 p.m. or 8:00 a.m. the following day on weekdays, or at any time on Sunday or holidays, such that the sound therefrom creates a noise disturbance across a real property line or at any time violates the provisions of section 12-125 or (13) below except for emergency work of the public service utilities or by variance issued by the city council. This subsection shall not apply to the use of domestic power tools as specified in (14) below.

- (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 11-125 or (13) below.
 - b. Nothing in this section shall be construed to prohibit, restrict, penalize, enjoin or in any manner regulate the movement of 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.
- (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 any time to violate the provisions of section 12-125 or (13) below.
 - b. In such a manner as to exceed the levels set forth for public space land use in section 12-125 measured at a distance not less than one hundred (100) feet (30 meters) from any point on the path of a vehicle operating on public space or public right-of-way.
- (10) **Stationary nonemergency signal 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 nonemergency purposes, from any place, for more than ten (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.

(11) Emergency signaling devices.

- a. The intentional 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. Testing:
 1. 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 sixty (60) seconds.
 2. 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)(1) shall not apply to such complete system testing.
- c. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within fifteen (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 12-125 or subsection (13) below.

(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 12-125 when measured at a distance of a least twenty-five (25) feet (7.5 meters) from 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 participants in the activity, provided that conspicuous signs are displayed indicating the presence of the zone.

(14) Domestic power tools.

- a. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn 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 11-125;

- b. Operation of any mechanically powered lawn or garden tool by other than the resident of the premises on Sundays as in c. below;
- c. Operation of any mechanically powered lawn or garden tool on Sundays prior to 11:00 a.m. and after 6:00 p.m.;
- d. 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 11-125(b).

(15) Multi-family dwellings.

- a. Operating or permitting the operation within a multi-family dwelling any source of sound, in such a manner as to exceed fifty (50) dBA from 7:00 a.m. to 8:00 p.m. or forty-five (45) dBA from 8:00 p.m. to 7:00 a.m. when measured within an adjacent intrabuilding dwelling. These noise limits shall not be exceeded more than fifty (50) percent of any measurement period, which shall not be less than ten (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 intrabuilding dwelling between 8:00 p.m. and 7:00 a.m. the following day shall be forty-five (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 fifty (50) percent of any measurement period at least ten (10) minutes in duration and when measured as specified in the Code of Recommended Practices:

Measurement Location

dBA

- a. Any point on neighboring property line...60
- b. Center of neighboring patio.....55
- c. Outside the neighboring living area.....55
- d. Window nearest the equipment location....55
- e. 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 article.

(17) Enclosed places of public entertainment -- requirements.

- a. It shall be unlawful to use or operate any amplitude modulation equipment or device in any place of public entertainment, including

but not limited to restaurant, bars, cafes, discotheques or dance halls in any building or structure not completely enclosed.

- b. It shall be unlawful to sustain in any enclosed place of public entertainment including but not limited to a restaurant, bar, cafe, discotheque or dance hall any amplitude equal to or in excess of ninety-five (95) dBA sustained for more than thirty (30) seconds. Sound levels in places of public entertainment shall be contained by accoustical and architectural treatments so as not to create a noise disturbance across a real property line as delineated by the provisions of section 11-125.

(18) **General prohibitions.** Any noise source that is not otherwise regulated or prohibited elsewhere in this chapter which raises the existing ambient noise level by five (5) dBA shall be considered in violation.

SECTION THREE.

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

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

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

APPROVED:

Clay K. Williams
MAYOR

John J. ...
CHAIRMAN

[MUNICIPAL SEAL]

Stepheth Wade
PRO TEM

Attest:
Stepheth Wade
CITY CLERK

James C. McGann

COUNCIL MEMBERS

1st Reading

2nd & Final Reading

Motioned by: A. Fox
Seconded by: E. Wade

A. Fox
J. Cunningham

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

aye
aye
aye
aye
aye

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

10-17-89
[Signature]

ORDINANCE NO. 2472

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA SETTING UP A BUDGET WITH THE DONATED SPECIAL PROJECTS FUND FOR THE 1990 DR. MARTIN LUTHER KING, JR. BIRTHDAY CELEBRATION.

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

WHEREAS, the net proceeds from this project will be used towards the completion of the Dr. Martin Luther King, Jr. Memorial Park.

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

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

<u>REVENUE</u> - 130-366-900	
Fees and Charges	\$18,632.00
Donations	<u>3,100.00</u>
Total	\$21,732.00

<u>EXPENDITURES</u> - 130-1232-5720-5507	
Professional Service - Other	\$ 3,000.00
Contract Services	6,500.00
Printing and Binding	2,302.00
Operating Supplies - General	5,265.00
Contingency	<u>4,605.00</u>
Total	\$21,732.00

SECTION 2. Each Council Member will appoint two citizens to assist staff on the Celebration Committee.

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

PASSED AND ADOPTED at first reading this 4th day of October, 1989.

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

APPROVED:

Alan K. Williams
MAYOR

J. Fox
CHAIRMAN

ATTEST:
Dorothy E. Williams
CITY CLERK

Christell Wood
CHAIR PRO TEM

James C. Mc Gann
COUNCIL MEMBERS

MOTIONED BY: J. Cunningham

SECONDED BY: A. Fox

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

A. Fox
 J. Cunningham

aye
aye
aye
aye
aye

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

[Signature] 10/27/89

ORDINANCE NO. 2473

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADDING SECTION 13-26 TO CHAPTER 13 RELATING TO MUNICIPAL OFFENSES ENTITLED "LOUD AND UNNECESSARY NOISES"; TO PROVIDE THAT IT SHALL BE UNLAWFUL TO PLAY, OPERATE OR PERMIT TO BE PLAYED OR OPERATED ANY RADIO, MUSICAL INSTRUMENT, PHONOGRAPH, OR OTHER MACHINE OR DEVICE FOR THE PRODUCING OR REPRODUCING OF SOUND IF THE SOUND CAN BE HEARD AT A DISTANCE OF 50 FEET OR PROPERTY LINE, WHICHEVER IS LESS, FROM THE NOISE SOURCE EMANATING FROM PUBLIC OR OUTDOOR AREAS, AND AT A DISTANCE OF 100 FEET FROM A NOISE SOURCE EMANATING FROM WITHIN A BUILDING OR STRUCTURE OR EMANATING FROM WITHIN A BUILDING OR STRUCTURE OR PROPERTY BOUNDARY ADJACENT THERETO, WHICHEVER IS LESSER, OR VIOLATES PROVISIONS FOR NOISE SENSITIVE ZONING OR EXCEEDS VIBRATIONS AND/OR DECIBEL RESTRICTIONS CONTAINED WITHIN CHAPTER 11B AND FURTHER PROHIBITS THE PLAYING OF LOUD RADIOS IN RESIDENTIAL AREAS IN A MANNER THAT WOULD DISTURB THE PEACE AND QUIET OF SAID AREA; PROVIDING AN EFFECTIVE DATE,

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

SECTION ONE

That Section 13-26 of the City Code, reading as follows, is HEREBY ENACTED.

"Sec. 13-26. LOUD AND UNNECESSARY NOISES.

(1) It shall be unlawful for any person or persons to play, use, operate, or permit to be played, used or operated, any radio, musical instrument, phonograph, or other machine or device used to produce or reproduce sound and can be heard from the distances prescribed below or violates the parameters set forth hereunder.

(a) Violations will occur if the noise source is located within an automobile, in or upon a public street, highway, building, sidewalk, park, thoroughfare, or other public area, or is located in or upon a public access area, or is located in or upon a parking lot, etc. or on any private property, and the sound can be heard at a distance of fifty (50) feet from its source or from the property line, whichever is less, or, if the noise source is in a building or other structure and the sound can be heard at a distance of

one hundred (100) feet away from the building or structure or the boundaries of the property surrounding such building or structure whichever is less.

(b) It shall be prima facie evidence of a violation of this section if the sound can be heard outside the limits described in subsection (a), or creates a noise disturbance within noise sensitive zones or if said sound violates any vibration and/or decibel levels set forth in Chapter 11B (except as provided for under Section 11B-5).

(c) Where the noise source is located in a building or other structure, the owner, occupant, resident, manager, or other person in charge of the premises shall, if present, be presumed to have permitted the noise in the absence of evidence to the contrary.

(d) No person shall operate or be permitted to operate a vehicle at any time or under any condition within the city limit, in such a manner as to generate a sound level in excess of the limits specified in section 11B-7. The readings must be measured at a distance at fifty (50) feet from the center lines of the lane of travel under the measurement procedures established under subsection 11B-7(c).

(2) It shall be unlawful for anyone to play, use or operate any radio or other device capable of producing or reproducing sound in a manner or at a level that disturbs the peace and quiet of persons living within any residentially zoned area of the City at any time.

SECTION TWO

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

PASSED AND APPROVED on first reading this 18th day of October, 1989.

PASSED AND ADOPTED on second and final reading this 1st day of November, 1989.

APPROVED:

Clara K. Williams
MAYOR

J. Fox
CHAIRMAN

ATTEST:

[Municipal Seal]

[Signature]
CITY CLERK

Elizabeth A. Whit
CHAIR PRO TEM

Allen [Signature]

[Signature]
COUNCIL MEMBERS

1st Reading

2nd & Final Reading

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

A. Fox
J. Cunningham

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

aye
aye
aye
aye
aye

RDH/sjw
9.05/10.09.89

ORDINANCE NO. 2474

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA REPEALING SEC. 6-60 OF THE CITY CODE OF ORDINANCES THEREBY INCREASING PERMIT FEE, PROVIDING FOR AN EFFECTIVE DATE AND CODIFICATION.

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

Section 1. That Section 6-60 of the Code of Ordinances of the City of Riviera Beach be hereby repealed

Section 2. That a new section 6-60 is hereby enacted, which reads as follows:

"The fee for each permit shall accompany the permit application which fee shall be as follows:

Valuation of Work	Fee
Less than \$5,000	\$20.00
\$5,000 - \$10,000	\$30.00
Each \$1000 over \$10,000	\$ 1.00

Section 3. That specific authority is hereby granted to codify this ordinance.

Section 4. That this ordinance shall take effect upon its passage.

FIRST READING, this 18th day of October, 1989.

APPROVED

John K. Williams

MAYOR

CHAIRPERSON

Elizabeth S. Ward

CHAIRPERSON PRO-TEM

ATTEST

Allen Sp

CITY CLERK

James C. McTarr

SECOND, FINAL READING AND PASSAGE, this 1st day of November, 1989.

APPROVED

MAYOR

CHAIRPERSON

CHAIRPERSON PRO-TEM

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

ATTEST

CITY CLERK

Elizabeth S. Ward

[Handwritten signatures and initials]

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3, OF SECTION 2-100 OF THE CODE OF ORDINANCES OF RIVIERA BEACH, FLORIDA, RELATING TO RATES OF PAY AND SALARY SCHEDULE BY INCREASING THE SALARY OF ADMINISTRATIVE PERSONNEL; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 2-100 of Chapter 2, Article VI, Division 3, of the Code of Ordinances of Riviera Beach, relating to rates of pay and salary schedule be amended by increasing the salary of Administrative Personnel as follows:

For the 1989/90 fiscal year, the Employer will adjust the individual employee's 1989/90 wages by four percent (4%), effective October 1, 1989. The merit pay system will be reinstated for the 1989/90 fiscal year. An additional five percent (5%) granted on anniversary date based on satisfactory or above performance rating.

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

PASSED AND APPROVED on first reading this 18th day of October, 1989.

PASSED AND ADOPTED on second and final reading this 1st day of November, 1989.

APPROVED:

Edna K. Williams
MAYOR

[Signature]
CHAIRPERSON

ATTEST:

[Signature]
CITY CLERK

Elizabeth S. Wade
VICE CHAIRPERSON

Allen Fox

[Signature]
COUNCIL MEMBERS

1st Reading

Motioned by: J. McGann
Secoded by: E. Wade
J. Goode aye
E. Wade aye
A. Fox nay
J. McGann aye
J. Cunningham aye

2nd Reading

J. Cunningham
E. Wade
aye
nay
aye
aye
aye

APPROVED AS TO FORM AND LEGALITY FOR THE CITY AND COUNTY OF RIVIERA BEACH, FLORIDA

1989 NOV 1 1989
[Signature]

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA
AMENDING PARAGRAPH (a) OF SECTION 13-4.1 OF THE CITY
CODE BY INCREASING THE CHARGE FOR UNPAID BANK CHECKS
AND DRAFTS PRESENTED TO THE CITY; PROVIDING AN EFFECTIVE
DATE.

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

SECTION 1. That Paragraph (a) of Section 13-4.1 of the City Code
is hereby amended to read as follows:

"Sec. 13-4.1. Charge for unpaid bank checks and drafts given
in payment of obligations due city.

(a) Whenever any person shall give or cause to be given
to the City, or any department or agency thereof, a check or
draft drawn on a bank in purported payment of any obligation
due the city, which check or draft is dishonored or unpaid by
reason of the drawer having no account or having insufficient
funds therein, or having stopped payment on the check or draft,
there shall be added to the obligation due the city the sum of
~~five dollars (\$5.00)~~ fifteen dollars (\$15.00) or five percent
(5%) of the face amount of the instrument to cover the additional
cost to the city thereby entailed. Such sum shall be collected
in the same manner as any other indebtedness due the city and any
receipt theretofore given in reliance upon such check or draft
shall be null and void and no other receipt shall be given for
the payment of the original indebtedness until such charge has
also been paid."

SECTION 2. That this Ordinance shall take effect upon final passage.

PASSED AND APPROVED on First Reading this 18th day of October,
1989.

PASSED AND ADOPTED on Second and Final Reading this 1st day of
November, 1989.

APPROVED:


MAYOR

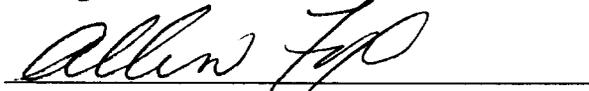

CHAIRMAN

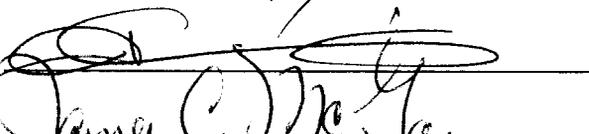
(MUNICIPAL SEAL)


CHAIRMAN PRO TEM

ATTEST:


CITY CLERK




COUNCILMEMBERS

	1st Reading	2nd & Final Reading
MOTIONED BY:	<u>A. Fox</u>	<u>A. Fox</u>
SECONDED BY:	<u>J. Cunningham</u>	<u>E. Wade</u>
J. GOODE:	<u>aye</u>	<u>aye</u>
E. WADE:	<u>aye</u>	<u>aye</u>
A. FOX:	<u>aye</u>	<u>aye</u>
J. CUNNINGHAM:	<u>aye</u>	<u>aye</u>
J. MCGANN:	<u>aye</u>	<u>aye</u>

NOTE: Striken through words are deleted and underlined words are added.

ORDINANCE NO. 2477

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING PETITIONS FOR VOLUNTARY ANNEXATION OF CERTAIN PARCELS OF LAND IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF RIVIERA BEACH, PROVIDING FOR REDEFINING OF THE MUNICIPAL BOUNDARIES TO INCLUDE SAID PARCELS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE THEREOF, AND FOR OTHER PURPOSES IN ACCORDANCE WITH CHAPTER 171, SECTION 171.044 FLORIDA STATUTES 1985.

WHEREAS, in June 1970, the Legislature of the State of Florida by House Bill No. 5236 designated "Greater Riviera Beach Area" and specified that the City of Riviera Beach may annex the "Greater Riviera Beach Area" or any part thereof at any time in any manner then allowed by the constitution and general laws of the State of Florida; and as provided by the City Charter; provided however, that any area thus annexed must be adjacent to and contiguous to the existing limits of the City of Riviera Beach, and

WHEREAS, in July 1972, Area Planning Board of Palm Beach County acting as agent for the Florida Department of Pollution Control designated City of Riviera Beach as the sole agent to provide water distribution and sewage collection and or treatment in Greater Riviera Beach Area (also known as Reserve Annexation Area), and

WHEREAS, Petitions and Affidavits for Voluntary Annexation have been submitted by owners of property adjacent to the City of Riviera in the Reserve Annexation Area. Copies of said Petitions and Affidavits for Voluntary Annexations are

attached hereto and made a part of this Ordinance, as filed for the following:

PETITION #1

PETITIONER: PALM BEACH COUNTY
Property Control # : 00 - 42 - 42 - 36 - 00 - 000 - 3151

PETITION #2

PETITIONER: CERAMIC TILE & MARBLE INC.
Property Control # : 00 - 42 - 42 - 26 - 00 - 000 - 5020

PETITION #3

PETITIONER: UNITED STATES/DEPT VETERANS AFFAIRS
PROPERTY CONTROL # : 00 - 42 - 42 - 25 - 00 - 000 - 7070
00 - 42 - 42 - 25 - 00 - 000 - 7080
00 - 42 - 42 - 25 - 00 - 000 - 7210

PETITION #4

PETITIONER: THE SATTER COMPANIES (WOODS EDGE)
PROPERTY CONTROL # : 00 - 42 - 42 - 25 - 03 - 001 - 0000
00 - 42 - 42 - 25 - 03 - 002 - 0000
00 - 42 - 42 - 25 - 03 - 003 - 0000
00 - 42 - 42 - 25 - 03 - 004 - 0000
00 - 42 - 42 - 25 - 03 - 005 - 0000
00 - 42 - 42 - 25 - 03 - 006 - 0000
00 - 42 - 42 - 25 - 03 - 007 - 0000
00 - 42 - 42 - 25 - 03 - 008 - 0000
00 - 42 - 42 - 25 - 03 - 009 - 0000

PETITION #5

PETITIONER: CHAUNCE WALLACE (C - 2-B CO.)
PROPERTY CONTROL # : 00 - 42 - 42 - 25 - 00 - 000 - 1150
00 - 42 - 42 - 25 - 00 - 000 - 1180

PETITION #6

PETITIONER: THE FOLEY COMPANY P.G.A.
PROPERTY CONTROL # : 52 - 42 - 42 - 25 - 00 - 000 - 3010
52 - 42 - 42 - 25 - 00 - 000 - 3020

PETITION #7

PETITIONER: GAYWOOD AND MARGARET WAGNER
(JAMES THOMAS) PROPERTY CONTROL # : 00 -
42 - 42 - 25 - 00 - 000 - 1300
00 - 42 - 42 - 25 - 00 - 000 - 1080

PETITION #8

PETITIONER : RAY F. & SHARON G. FLOW
PROPERTY CONTROL # : 00 - 42 - 42 - 25 - 00 - 000 - 1250

PETITIONER #9

PETITIONER: ALBERT G. WELTER
PROPERTY CONTROL # : 00 - 42 - 42 - 25 - 00 - 000 - 7100

WHEREAS, the City Council of the City of Riviera Beach, Florida has examined the attached petitions and finds the following to be true:

- (a) The petitioners are owners of the properties described therein.
- (b) The petitions bear the notarized signatures of the owners of the properties proposed to be annexed.
- (c) The properties proposed to be annexed are in the unincorporated area of Palm Beach County, contiguous to the present boundaries of the City of Riviera Beach, Florida.
- (d) No parts of the properties proposed to be annexed are included within the boundary of another incorporated municipality.
- (e) The City has the capability to provide

municipal services, e.g.; fire and police protection, water and sewer services, garbage and trash collection to the subject parcels at the same level of services as such services are provided within the rest of the municipality.

(f) This ordinance is being initiated by the City of Riviera Beach, Florida, under Section 171.044 Voluntary Annexation, F.S. 1985.

WHEREAS, the City of Riviera Beach has agreed to furnish the municipal utilities, e.g. water and sewer to subject properties for development purposes upon receipt of their respective Voluntary Petitions for Annexation; and subject to conditions set forth in the petitions.

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

SECTION 1. Pursuant to Chapter 171, Section 171.044 Voluntary Annexation, Florida Statutes, 1979, City of Riviera Beach, Florida, hereby declares its intent and desire to extend its municipal boundaries to include the above described properties after the approval of this Ordinance on second and final reading.

SECTION 2. This Ordinance shall be read by Title on first reading, and shall be published in its entirety once a week for four (4) consecutive weeks in a newspaper of general circulation in Palm Beach County, Florida. Thereupon after second reading by Title only, this Ordinance shall become effective immediately upon passage and adoption, and the annexation shall become effective upon adoption.

SECTION 3. Within Thirty (30) days after final passage and publication, a certified copy of this Ordinance shall be filed by the City Clerk with the Secretary of State of the State of Florida as a revision of its Charter, the

Clerk of the Circuit Court, Palm Beach County and other agencies as required by Law.

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

SECTION 5. Should any part of provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof than the part declared to be invalid.

SECTION 6. All Ordinances of the City of Riviera Beach, Florida, shall apply to the property proposed to be annexed when the annexation is final.

SECTION 7. The City Clerk is hereby directed to update City's Land Use and Zoning Maps to include above named parcels within the municipal boundaries.

SECTION 8. Upon annexation, the City shall assign the herein referenced Land Use and Zoning designations to said parcels, in accordance with procedures of Chapter 163, Florida Statutes.

SECTION 9. The corporate limits of the City of Riviera Beach are hereby redefined to include subject Petitions as follows:

"Beginning at the Northwest corner of Section 29, Range 43 East, Township 42 South, of the Tallahassee Meridian, Palm Beach County, Florida; thence Easterly along the North lines of said Section 29, Section 28, and Section 27, of said Township and range, to the point of intersection with the centerline of the Intracoastal Waterway, thence northerly along said centerline to the point of intersection with a line parallel to and 1,294.00 feet South of the North line of Section 22, of said Township and Range; thence Easterly along said parallel line to a point in the Westerly

boundary of the submerged land area conveyed by the trustees of the Internal Improvement Trust Fund of the State of Florida, to the Lake Worth Realty Company, (a Florida Corporation by the Trustee's Deed No. 17146, recorded in deed Book 205, Page 82, Public Records of Palm Beach County, Florida); thence Northerly along said Westerly boundary to the point of intersection with a line parallel to and 8,000.00 feet South of, the North line of Section 10, of said Township and Range; thence Easterly along said parallel line to the Westerly edge of Gulfstream or a distance of three geographical miles, whichever is the greater distance to the common boundary of the State of Florida and that of Palm Beach County; thence Southerly along the edge of the Gulfstream or along a line three geographical miles from the Atlantic Coast Line as described in The Constitution of the State of Florida (as revised in 1968 and subsequently amended by Article III, Section 1, Paragraph (a) to a point in the Easterly extension of a line parallel and 998.96 feet South of the South line a tract of land in Palm Beach County known as Replat Yacht Harbor, (as is recorded in Plat Book 23, Page 57, of the Public Records of Palm Beach County, Florida); thence Westerly along said parallel line to the point of intersection with the centerline of the channel of the Intracoastal Waterway, as now established; thence Southwesterly and Southerly along said centerline of channel to the South line of Township 42 South, Range 43 East; thence Westerly along said South line of Township 42 South to the Southeast corner of Section 31, of said Township and Range; thence Northerly along the East line of said Section 31, to the South Right-of-Way line of State Road 710; thence Westerly along the South line of State Road 710 to its point of intersection with the proposed centerline of Congress Avenue Right-of-Way; thence Southerly along said centerline to its point of intersection with the South Right-of-Way line of the Seaboard Coast Line Railroad Right-of-Way as now established; thence Southeasterly along said Right-of-Way line to its point of intersection with the South line of said Section 31, Township 42 South, Range 43 East; thence Westerly along said South line of Section 31, to the Southeast corner of Section 36, Township 42 South, Range 42

East; thence continuing Westerly along said South line of Section 36, 2610.00 feet to its point of intersection with the East Right-of-Way line of Military Trail; thence Northerly along said Right-of-Way line 664.88 feet to the point of intersection with a line parallel with and 664.88 feet North, measured at right angles, of the South line of Section 36; thence Easterly along a line parallel to and 230 feet North of the Northerly most Right-of-Way line of North Palm Beach Water Control District Canal a distance of 1305.84 feet to a point 1304.29 feet West of the East line of Section 36, Township 42 South, Range 42 East; thence Northerly along a line parallel with the East line of said Section 36 a distance of 330.00 feet to a point; thence Westerly to the Westerly Right-of-Way line of Military Trail (State Road 809) thence Southerly along the Westerly Right-of-Way line of Military Trail, to the intersection with the westerly extension of the south right of way of Upthegrove Lane; thence easterly along said right of way line a distance of 707.58 feet; thence southerly a distance of 306.81 feet; thence westerly to the point of intersection with the west right of way of Military Trail, thence southerly along said right of way line to a point 1,336.23 feet South of the south section line of section 36, said line having a bearing of North 03° 41' 15" East; thence North 87° 46' 43" West 890.55 feet; thence North 51° 46' 38" East 677.08 feet; thence North 38° 13' 22" West 108.88 feet; thence North 51° 46' 38" East 85.46 feet; thence along a curve of 110 feet radius 96.60 feet; thence North 01° 27' 35" East a distance of 385.46 feet; thence along a curve of 85 feet radius 108.14 feet; thence North 01° 27' 35" East 203.71 feet to the South section line of section 36; thence Westerly along said South line of section 36, to the Southwest corner of section 36, Township 42 South, Range 42 East, and the East Right-of-Way line of Haverhill Road, thence Northerly along the West line of said Section 36, 2583.36 feet to a point 52.50 feet South of the East-West Center section line of said Section 36; thence Easterly along a line parallel to and 52.50 feet South of the East-West Center section line of said Section 36; 2690.00 feet to the East Right-of-Way line of Military Trail (State

Road 309); thence Northerly along the east Right-of-Way line of Military Trail 52.50 feet to the East-West Center Section 36; thence Easterly along said East-West Center Section line also the South Right-of-Way line of East Palm Beach Canal a distance of 10.00 feet to a point designated as a Point of Beginning as shown on Plat 1 WESTROADS BUSINESS and INDUSTRIAL PARK (and recorded in Plat Book 29, Page 137, Public Records of Palm Beach County); thence North $02^{\circ} 20' 11''$ East along the East Right-of-Way line of Military Trail, 270.09 feet to a point of curvature; thence Northeasterly along a 25 foot radius curve an arc distance of 39.18 feet to a point of tangency in the South Right-of-Way line of Westroads Drive; thence South $87^{\circ} 42' 34''$ East along said South Right-of-Way line of Westroads Drive 355.09 feet to a point in the South Right-of-Way line of said East Palm Beach Canal and in said East-West Center Section line; thence South $87^{\circ} 52' 34''$ East along said canal Right-of-Way line and Center Section line 560.01 feet to a point designated as a Point of beginning as shown in Plat No. 2 WESTROADS BUSINESS and INDUSTRIAL PARK (and recorded in Plat Book 29, Page 193, Public Records of Palm Beach County); thence North $02^{\circ} 20' 11''$ East along the West Boundary line of Tract "B" of said Plat No. 2 a distance of 345.00 feet to a point in the North Right-of-Way line of Westroads Drive; thence South $87^{\circ} 52' 34''$ East along the North Right-of-Way of Westroads Drive, a distance of 38.00 feet to a point; thence North $02^{\circ} 20' 11''$ East a distance of 460.00 feet to a point in the Westerly Plat line of Plat No. 3 WESTROADS BUSINESS and INDUSTRIAL PARK (and recorded in Plat Book 30, Pages 145 and 146, Public Records of Palm Beach County); thence North $87^{\circ} 52' 34''$ West 353.00 feet to a point on West Right-of-Way line of White Drive; thence South $02^{\circ} 20' 11''$ West along said West Right-of-Way line a distance of 110.00 feet; thence North $87^{\circ} 52' 34''$ West a distance of 265.00 feet; thence South $02^{\circ} 20' 11''$ West a distance of 52.00 feet; thence North $87^{\circ} 52' 34''$ West a distance of 390.00 feet to a point on the East Right-of-Way of Military Trail as laid out and now in use; thence North $02^{\circ} 20' 11''$ East along East Right-of-Way of Military Trail, a distance of 1508.04 feet to a point; thence South $53^{\circ} 14' 59''$ East a distance of

472.73 feet; thence North $02^{\circ} 20' 11''$ East a distance of 111.92 feet to the point of intersection with the Right-of-Way line of Seaboard Coast Line Railroad; thence continue Northwesterly along said railroad Right-of-Way to the point of intersection with East Right-of-Way line of Military Trail; thence $02^{\circ} 10' 17''$ along East Right-of-Way line of Military Trail to the point of intersection with North Right-of-Way of State Road 710; thence Northwesterly along said North Right-of-Way of State Road 710 to the point of intersection with Westerly Right-of-Way of Military Trail (State Road 809); thence North $02^{\circ} 12' 40''$ West along said Right-of-Way a distance of 250 feet; thence South $60^{\circ} 04' 05''$ West a distance of 230.50 feet to a point on North Right-of-Way line of State Road 710; thence Southerly and parallel with the West Right-of-Way line of Military Trail to the Southwesterly Right-of-Way line of Seaboard Coast Line Railroad; thence Southeasterly along said Right-of-Way having a bearing North $53^{\circ} 41' 47''$ West 95.91 feet; thence north $88^{\circ} 06' 31''$ West 109.49 feet; thence South $01^{\circ} 53' 30''$ West a distance of 73.05 feet; thence North $88^{\circ} 06' 31''$ West a distance of 550.00 feet; thence South $01^{\circ} 53' 30''$ West a distance of 321.17 feet; thence North $88^{\circ} 30' 53''$ West a distance of 50.00 feet; thence North $01^{\circ} 53' 30''$ East a distance of 200.00 feet; thence Westerly a distance of 240.00 feet; thence Southerly along the East Right-of-Way of Barbour Road 200.00 feet to the point of intersection with North Right-of-Way line of Dyer Boulevard; thence Easterly along said North Right-of-Way 34.05 feet; thence Southerly and parallel with the West Right-of-Way line of Military Trail a distance of 372.00 feet; thence Westerly a distance of 150.00 feet; thence Northerly a distance of 292.00 feet to a point on the South Right - of - Way line of Dyer Boulevard; thence westerly a distance of 190.00 feet, thence southerly a distance of 292.00 feet, thence westerly and parallel with the south right of way of line of Dyer Boulevard a distance of 298.00 feet; thence northerly and parallel with the west right of way line of Military Trail a distance of 372.00 feet to the North right of way line of Dyer Boulevard; thence Westerly along the north Right-of-Way

of Dyer Boulevard to the point of intersection with the East Right-of-Way line of Haverhill Road as established and now in use; thence Northerly along the West section line of Section 36 to the Southwest corner of Section 25; thence Westerly to the point of intersection with the east right of way of Haverhill Road; thence north westerly along said right-of-way line to a point 150 ft. west of the west section line of section 25; thence northerly along a line parallel and 150 ft. west of said section line to the point of intersection with the southeasterly Right-of-Way line of Seaboard Coast Line Railroad; thence Southeasterly to the point of intersection with the West section line of Section 25; thence Southerly along said section line a distance 481.74 feet; thence Easterly a distance of 390.68 feet; thence Northerly at an angle of 94 19' 38" with previous course a distance of 225.83 feet to the point of intersection with the Southeasterly Right-of-Way line of Seaboard Coast Line Railroad; thence Southeasterly along said railroad Right-of-Way line to the point of intersection with the Easterly line of Barbour Road; thence Southerly along said Right-of-Way line to a point 570.00 feet North of the North Right-of-Way line of Dyer Boulevard; thence Easterly and parallel with said Right-of-Way 240.00 feet; thence Northerly and parallel with the centerline of Military Trail to the point of intersection with the Northwestern Right-of-Way line of Beeline Highway (S.R. 710); thence Northwesternly along said Right-of-Way to the point of intersection with the west section line of section 25; thence northerly along said section line a distance of 663.42 ft; thence easterly a distance of 475 ft; thence northerly and parallel with the said west section line a distance of 425 ft; thence westerly to the west section line of section 25; thence northerly to the northwest corner of section 25; thence easterly along north section line of said section 25 to the east right-of-way line of Military Trail; thence southerly along said right of way a distance of 280 ft; thence easterly a distance of 256 ft; thence easterly a distance of 256 ft; thence southerly a distance of 116 ft. thence westerly to the east right-of-way line of Military Trail; thence southerly a distance of 120 ft; thence

easterly a distance of 256 ft. thence southerly and parallel with the east right of way line of right of way line of Military Trail; a distance of 500 ft; thence westerly to the east right-of-way line of Military Trail; thence southerly to the point of intersection with the south line of north one half of the north east quarter of section 25; thence easterly along said line a distance of 394 ft. thence northerly and parallel with the east right-of-way line of Military Trail a distance of 637.47 ft. to the south right-of-way line of south right-of-way line of Leo Lane; thence easterly along said south right-of-way line a distance of 606 ft; thence southerly and parallel with the right-of-way line of Military Trail a distance of 637.9± ft. to the south line of north one half of the northeast quarter of section 25; thence easterly along said line to the point of intersection with the west right-of-way of a drainage canal, said line being 80 ft. west of the west right of way line of S.R. 9 (I-95); thence southerly along said west canal right-of-way to the north right-of-way line of a drainage canal; thence westerly along said north canal right-of-way line to the point of intersection with the east right of way line of Military Trail; thence southerly along said right of way line 915 ft; thence westerly to the west right of way line of Military Trail; thence southerly to a point on the west right-of-way line of Military Trail which point is 200 ft. north of the north right-of-way line of Blue Heron Blvd; thence westerly a distance of 200 ft; thence southerly to the north right-of-way line of Blue Heron Blvd; thence easterly to the point of intersection with the east right-of-way line of Military Trails; thence northerly following the said right of way line to a point 190 ft. north of the north right-of-way line of Blue Heron Boulevard; thence Easterly, parallel with and 190.00 feet north of North Right-of-Way of Blue Heron Boulevard a distance of 190.00 feet; thence Southerly and parallel with and 190.00 feet east of East Right-of-Way of Military Trail to the point of intersection with South Right-of-Way of Blue Heron Boulevard; thence South 88° 11' 59" East along the said Right-of-Way a distance of 275.01 feet; thence South 02° 10' 17" West a

distance of 1509.60 feet to a point in the North Right-of-Way of State Road 710; thence South $53^{\circ} 15' 51''$ East along said Right-of-Way line a distance of 321.80 feet; thence South $2^{\circ} 10' 17''$ West parallel with East Right-of-Way of Military Trail to a point on the South Right-of-Way of Seaboard Coast Line Railroad; thence continue Southwesterly along East property line of Tract "E" of Westroads Business and Industrial Park to a point on a curve of 50 foot radius and being the North Right-of-Way line of White Drive; thence Westerly along said arc a distance of 140.08 feet; thence along the arc of 25 foot radius a distance of 21.03 feet to the point of tangency; thence South $02^{\circ} 20' 11''$ West along West Right-of-Way of White Drive a distance of 223.87 feet to a point; thence South $87^{\circ} 52' 34''$ East a distance of 353.00 feet to a point on the West property line of Tract "F"; thence North $02^{\circ} 20' 11''$ East along the West property line of Tract "F" a distance of 373.66 feet to a point designated as a permanent reference monument number 1686 on the Southwesterly Right-of-Way line of the Seaboard Coast Line Railroad as now established; thence Southeasterly along said Southwesterly Right-of-Way line 4914.13 feet \pm to the point of intersection with the Westerly Right-of-Way line of South Florida Water Management District Canal C-17; thence Northerly along said Westerly Right-of-Way line of Canal-17 a distance of 770.00 feet \pm to a point on the North Right-of-Way line of State Road 710 which is on a curve having a radius of 2159.03 feet and concave to the Northeast; thence proceeding Northwesterly on the arc of said curve a distance of 629.00 feet \pm to a point on the curve being the Southwest corner of a property (as Recorded in Official Record Book 2992 Page 562 Public Records of Palm Beach County); thence North $01^{\circ} 56' 54''$ East a distance of 160.89 feet to a point on the Northwest corner of said property; thence South $82^{\circ} 30' 24''$ East a distance of 494.00 feet \pm to a point on the East Right-of-Way line of Garden Road said point on a curve having a radius of 1950.08 feet and a central angle of $12^{\circ} 21' 14''$; thence Northerly along arc of said curve to the point of tangency; thence $02^{\circ} 33' 05''$ East on said Easterly Right-of-Way line a distance of 56.62 feet; thence North $87^{\circ} 37' 23''$ West along the South

line of said Northwest quarter (NW 1/4) 800.74 feet to Southeast corner of Parcel A-1 as shown on Adair and Brady, Inc., Drawing 599; thence $2^{\circ} 22' 37''$ East along East line of the said Parcel perpendicular to the previous course 350.00 feet; thence North $87^{\circ} 37' 23''$ West a distance of 400.00 feet to the intersection of the East Right-of-Way line of State Road 9; thence North $19^{\circ} 20' 02''$ West along said Easterly Right-of-Way line of I-95, 187.57 feet to a point in the Southeasterly Right-of-Way line of a drainage canal; thence South $70^{\circ} 39' 58''$ West along said Canal Right-of-Way line 50.00 feet to a point in said Easterly Right-of-Way line of I-95; thence North $19^{\circ} 29' 02''$ West along said Right-of-Way line of I-95 and West Right-of-Way line of said Canal 1015.15 feet; thence North $70^{\circ} 39' 58''$ East along a line between said Plat No. 2 and Plat No. 1, Interstate Industrial Park (recorded in Plat Book 34, Page 158), a distance of 365.00 feet to a point in the Southwesterly Right-of-Way line of Interstate Park Road West; thence South $19^{\circ} 20' 02''$ East along said Right-of-Way line a distance of 308.67 feet to a point in the extended Southerly Right-of-Way line of Interstate Park Way; thence south $87^{\circ} 56' 50''$ East along said Right-of-Way line to a point on the South Right-of-Way of Interstate Park Way, said point being 301.87' from the West Right-of-Way of Garden Road; thence Northerly at right angle with previous course to the South Right-of-Way of Interstate Park Way North; thence Easterly along the said South Right-of-Way to the East Right-of-Way line of Garden Road; thence North $02^{\circ} 37' 43''$ East along said Right-of-Way line a distance of 1460.28 feet to its point of intersection with the South line of Section 30, Township 42 South, Range 43 East, Palm Beach County, Florida; thence Westerly along said Section line to the point of intersection with the West Right-of-Way line of I-95 (State Road #9); thence Northwesterly along said Right-of-Way to a point 298.72 feet South of the centerline of Blue Heron Boulevard and the said point being on the West Right-of-Way of I-95; thence North $98^{\circ} 11' 19''$ West a distance of 700.13 feet; thence North $01^{\circ} 48' 41''$ West a distance of 400 feet to the North Right-of-Way line of Blue Heron Boulevard; thence Northerly parallel with East Section

line a distance of 600 feet; thence Easterly a distance of 975.32 feet to a point on the West Right-of-Way line of State Road #9; thence continue Easterly to the East Right-of-Way of State Road #9 (I-95); thence Southeasterly along said East Right-of-Way to a point on the North Right-of-Way of Blue Heron Boulevard; thence Southerly a distance of 200.00 feet on the South Right-of-Way of Blue Heron Boulevard; thence Southwesterly to the point of intersection with East Right-of-Way line of I-95, thence continue along said East Right-of-Way line to a permanent reference monument as shown on Plat No. 1 of Florida-Georgia; thence South $87^{\circ} 40' 36''$ East along North property line of said Plat of Florida-Georgia a distance of 460.99 feet; thence North $02^{\circ} 19' 42''$ East a distance of 200.00 feet to a point being on the South Right-of-Way line of Blue Heron Boulevard; thence along said Right-of-Way a distance of 625.00 feet; thence North $02^{\circ} 19' 24''$ East a distance of 46 feet to a point; thence South $87^{\circ} 40' 36''$ East a distance of 935.66 feet to its point of intersection with the West Right-of-Way line of South Florida Water Management District Canal C-17; thence Northerly along said Right-of-Way line a distance of 1158 feet to a point 2,739.84 feet South of the North line of Section 30, said Township and Range; thence North $87^{\circ} 40' 36''$ West a distance of 398.42 feet to a point; thence South $02^{\circ} 19' 24''$ West a distance of 135.00 feet to a point; thence $87^{\circ} 40' 36''$ West a distance of 367.00 feet to a point; thence North $02^{\circ} 19' 24''$ East a distance of 291.00 feet to a point; thence North $87^{\circ} 40' 36''$ West a distance of 30 feet to a point; thence North $02^{\circ} 19' 24''$ East a distance of 313.00 feet; thence North $87^{\circ} 40' 36''$ West a distance of 340.0 feet to a point of East Right-of-Way line of Central Industrial Drive; thence Northerly along said East Right-of-Way a distance of 220.52 feet; thence South $87^{\circ} 40' 36''$ East a distance of 1445.40 feet to the East Right-of-Way line of South Florida Water Management District Canal C-17; thence Southerly along said Easterly Right-of-Way line a distance of 567.41 feet to the East-West centerline of said Section 30, said Township and Range; thence Easterly along said East-West centerline a distance of 2000 feet \pm to a point 668 feet West of said

Section 30; thence Northerly along a line parallel to and 668 feet West of the East line of said Section 30, a distance of 653.15 feet to a point; thence Easterly at a right angle to the preceding course a distance of 667.90 feet to the East line of Section 30; thence Northerly along said East line a distance of 1974.58 feet to the Northwest corner of Section 29, Range 43 East, Township 42 South, said point being the point of Beginning."

PASSED AND APPROVED on first reading this 1st day of November, 1989.

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

APPROVED:

Clayton K. Williams

 MAYOR

[Signature]

 Chairman

Elizabeth K. Ward

 Chairperson Pro Tem

Allen Fox

Councilmen

ATTEST:

Dorothea E. Davis

 City Clerk

1st Reading

2nd Reading

MOTIONED BY: A. Fox

A. Fox

SECONDED BY: E. Wade

E. Wade

J. Goode aye

aye

E. Wade aye

aye

A. Fox aye

aye

J. McGann aye

absent

J. Cunningham aye

aye

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

[Signature]
 10-24-89

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING PARAGRAPH (A) OF SUBSECTION III OF SECTION 23.AA-5 OF THE LAND DEVELOPMENT CODE AND THEREBY REQUIRING THAT THE MINIMUM BUILDING LOT SIZE FOR ANY LOT THAT RESULTS FROM ANY BODY OF WATER THAT IS FILLED IN THE RS-5 ZONING DISTRICT BE AT LEAST ONE ACRE; ALSO AMENDING SUBPARAGRAPH (C) TO SUBSECTION III OF SECTION 23.AA-13 AND THEREBY LIMITING THE HEIGHT OF BUILDING IN THE OFFICE PROFESSIONAL (OP) DISTRICT EAST OF LAKE WORTH (SINGER ISLAND) NOT TO EXCEED THREE (3) STORIES OR FORTY (40) FEET; ALSO AMENDING SUBPARAGRAPH C TO SUBSECTION III OF SECTION 23.AA-15 OF THE LAND DEVELOPMENT CODE AND THEREBY LIMITING BUILDING HEIGHTS IN THE CG ZONING DISTRICTS ON SINGER ISLAND NOT TO EXCEED THREE (3) STORIES OR 40 FEET; ALSO ADDING A NEW PARAGRAPH (I) TO SECTION 23.AA-24 OF THE LAND DEVELOPMENT CODE AND THEREBY REQUIRING THAT ALL SINGLE FAMILY RESIDENCES, DUPLEXES, TRIPLEXES, AND FOURPLEXES AND THEIR ATTENDANT PARKING AND LANDSCAPING BE AFFIXED DIRECTLY ON DRY LAND; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 1.8.1 of Part II of the City's proposed Comprehensive Land Use Plan (at page 12) mandates that if certain lands now covered with water should ever be filled that the minimum size shall be one (1) acre per building plot; and

WHEREAS, Section 1.8.1 of Part II of the said proposed Comprehensive Land Use Plan (at page 11) provides that lands zoned for general mixed use or Singer Island shall allow a maximum building height not to exceed forty (40) feet or three (3) stories, whichever is less, meaning that under no circumstance shall a building exceed three (3) stories or exceed a height of forty (40) feet; and

WHEREAS, the City Council hereby intends to implement the said mandates of the Land Development Code;

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

SECTION ONE

That Subparagraph A to subsection III of Section 23.AA-5 of the Land Development Code, relating to the RS-5 single family dwelling district, now reading as follows:

"A. MINIMUM PROPERTY SIZE.

Eight thousand (8,000) square feet."

IS HEREBY AMENDED TO READ AS FOLLOWS:

"A. MINIMUM PROPERTY SIZE.

Eight thousand (8,000) square feet except any lake, pond, wetland, marsh, lagoon, estuary, bottomland, etc., that is filled after [the effective date of this ordinance] shall require a minimum dry lot size of one (1) acre."

SECTION TWO

That subparagraph C to subsection III to Section 23.AA-13 of the Land Development Code, relating to the OP - Office Professional District, now reading as follows"

"C. MAXIMUM BUILDING HEIGHT.

Seventy-five (75) feet except no building height shall exceed thirty-five (35) feet within 50 feet of any residential district more restrictive than RM-20."

IS HEREBY AMENDED TO READ AS FOLLOWS:

"C. MAXIMUM BUILDING HEIGHT.

Seventy-five (75) feet except no building height shall exceed thirty-five (35) feet within 50 feet of any residential district more restrictive than RM-20. Also on all lands east of Lake Worth (Singer Island) the maximum building height shall be three (3) stories or forty (40) feet, whichever is less."

SECTION THREE

That subparagraph C to subsection III to Section 23.AA-15 of the Land Development Code, relating to the CG - General Commercial District, now reading as follows:

"C. MAXIMUM BUILDING HEIGHT.

Five stories, not to exceed sixty-five (65) feet. For Bonus, See Article III."

IS HEREBY AMENDED TO READ AS FOLLOWS:

"C. MAXIMUM BUILDING HEIGHT

On mainland (west of Lake Worth) not to exceed sixty-five (65) feet. For Bonus on Mainland, See Article III. On Singer Island (east of Lake Worth) not to exceed forty (40) feet or three (3) stories, whichever is less. There is no bonus applicable to Singer Island to increase these maximum height limits."

SECTION FOUR

That a new subparagraph (I) is hereby added to Section 23.AA-24 of the Land Development Code, relating to supplemental regulations, which reads as follows:

"I. Each single family residence, duplex, triplex, or fourplex constructed after [the

effective date of this ordinance] shall have the ground floor, parking and landscaping on solid land. All such structures and accessory uses, if any, shall be built on a foundation firmly attached to the ground by concrete pour or stem walls, etc.. No conventional structure shall be built on stilts or any other elevation device that leaves space between the ground level surface and the base of the structure except where elevations of a few feet are required by law for manufactured homes, mobile homes, or flood plains."

SECTION FIVE

This Ordinance shall be effective immediately upon final passage by the City Council after two (2) public hearings hereon in accordance with §166.041(3)(C)(2)(a), Florida Statutes.

PASSED AND APPROVED on First Reading this 15th day of November, 1989.

PASSED AND ADOPTED on Second and Final Reading this 6th day of December, 1989.

APPROVED:

Clayton K. Williams
MAYOR

[Signature]
CHAIRMAN

[Municipal Seal]

[Signature]
CITY CLERK *Acting*

PRO TEM
[Signature]
COUNCIL MEMBERS

1st Reading

2nd & Final Reading

MOTIONED BY: J. McGann

A. Fox

SECONDED BY: A. Fox

J. Cunningham

ORDINANCE NO. 2478

4

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

CERTIFICATE OF PUBLICATION

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

Gwendolyn E. Davis

TCP/sw
8.8.89
Rev. 9.1.89

ORDINANCE NO. 2479

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA PURSUANT TO CHAPTER 163.3161, ET. SEQ., FLORIDA STATUTES, PROVIDING FOR THE ADOPTION OF A REVISED COMPREHENSIVE PLAN, INCLUDING CHANGES TO THE PERMITTED USES OF LAND AND CHANGES IN THE FUTURE LAND USE ELEMENT THEREOF; PURSUANT TO CHAPTER 163.3184 FLORIDA STATUTES, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach on August 19, 1981 adopted a Comprehensive Plan pursuant to the "Local Government Comprehensive Planning Act of 1975"; and,

WHEREAS, the aforesaid Statute was subsequently revised and amended by Chapter 163.3161, et. seq. Florida Statutes (1985) entitled the "Local Government Comprehensive Planning and Land Development Regulation Act" and,

WHEREAS, pursuant to the requirement contained within the aforesaid Statutes, the Planning and Zoning Board of the City of Riviera Beach, sitting as the Local Planning Agency has held public hearings upon due public notice, for the consideration and review of the proposed 1989 Comprehensive Plan for the City of Riviera Beach, and said Board has forwarded its recommendations to the City Council and,

WHEREAS, the City Council after due notice and public hearing accepted a revised Comprehensive Plan and forwarded same to the Department of Community Affairs for review and recommendation; and,

WHEREAS, the Department of Community Affairs has completed its review of the proposed Comprehensive Plan, including the Future Land Use Element thereof, and has issued to the City of Riviera Beach its Objections, Recommendations and Comments Report; and,

WHEREAS, the City Council has received the recommendations of its Planning Consultant, staff and Planning and Zoning Board in response to the Objections, Recommendations and Comments by the Department of Community Affairs, and has adopted the 1989 Comprehensive Plan for the City, including a Future Land Element thereof; and,

WHEREAS, the City Council has determined that the proposed Revised Comprehensive Plan including the Future Land Use Element thereof, is now consistent with all of the statutory requirements for Plan adoption; and,

WHEREAS, the City Council of the City of Riviera Beach, after due notice and public hearing, and upon invitation and encouragement of the public participation in the adoption process, deems it to be in the best interest of the public safety, health, and general welfare to adopt by this Ordinance the Revised Comprehensive Plan of the City of Riviera Beach and the amended Future Land Use Plan Element thereof, as hereinafter set forth;

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

SECTION 1. The City of Riviera Beach hereby adopts a Revised Comprehensive Plan for the City of Riviera Beach, including a Future Land Use Element thereof, dated 1989, as prepared by Robert K. Swarthout Inc., together with recommended revisions thereof to reflect the Objections, Recommendations and Comments for the City of Riviera Beach by the Florida Department of Community Affairs.

Said Comprehensive Plan labeled exhibit A is attached hereto and made a part thereof, consisting of "Comprehensive Plan - Part I Plan Recommendation" including Goals, Objectives and Policies, requirements for capital improvement Implementation, procedures for monitoring and evaluation, required maps showing future conditions including the Future Land Use Map.

SECTION 2. That document entitled Riviera Beach Comprehensive Plan "Part II - Data and Analysis" is hereby adopted as a support document to the Comprehensive Plan and shall further serve to guide City's future growth and development. Said document entitled Exhibit B is attached hereto and made a part of this ordinance.

SECTION 3. The Land and water areas within the City of Riviera Beach which are included in the Future Land Use Element of the Revised Comprehensive Plan of the City shall bear the designations set forth on the Proposed Future Land Use Map.

SECTION 4. A copy of the Revised Comprehensive Plan, which is attached and made a part of this enactment by reference, shall be kept permanently on file in the office of the City Clerk and shall be available for the use, information and inspection of the general public and all interested parties at all reasonable times.

SECTION 5. The Revised Comprehensive Plan of the City of Riviera Beach shall have and enjoy the legal status for Comprehensive Plans set forth and contained in Chapter 163.3194 of the Florida Statutes, together with such further additional powers, authority and obligations as may thereafter be created by law.

SECTION 6. This ordinance shall take effect upon the passage and adoption of this Comprehensive Plan and shall be applicable to all requests for development approvals submitted after the effective date of this ordinance. All requests for development approvals which have previously received approval by the City Council as of the effective date of this ordinance shall continue to be governed by the 1981 Comprehensive Plan. All requests for development approval which have a valid complete application pending or are currently under review as of November 20, 1989, but have not received approval by the City Council upon the effective date of the ordinance shall continue to be processed, and if approved, shall be governed by the 1981 Comprehensive Plan, provided the project receives site plan approval from the City within one (1) year from the effective date of this ordinance.

PASSED and APPROVED on first reading this 20th day of November, 1989.

PASSED and ADOPTED on second and final reading this 13th day of December, 1989.

APPROVED:

Clara K. Williams
MAYOR

[Signature]
CHAIRMAN

[MUNICIPAL SEAL]

[Signature]
CHAIRPERSON PRO TEM

ATTEST:

Laurie J. Hard
CITY CLERK *Attying*

[Signature]
COUNCIL MEMBERS

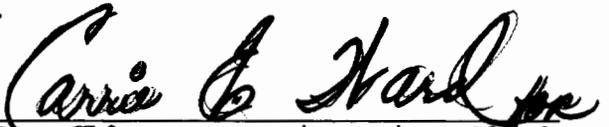
APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE CITY OF RIVIERA BEACH, FLORIDA

[Signature]
12/14/89
1989

	1st Reading	2nd and Final Reading
MOTIONED BY:	<u>J. McGann</u>	<u>J. McGann</u>
SECONDED BY:	<u>J. Cunningham</u>	<u>A. Fox</u>
J. Goode	<u>absent</u>	<u>aye</u>
A. Fox	<u>aye</u>	<u>aye</u>
E. Wade	<u>aye</u>	<u>absent</u>
J. McGann	<u>aye</u>	<u>aye</u>
J. Cunningham	<u>aye</u>	<u>aye</u>

CERTIFICATE OF PUBLICATION

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


Gwendolyn E. Davis, City Clerk

ORDINANCE NO. 2480

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 11, ENTITLED "LICENSES" OF THE CODE OF ORDINANCES, REPEALING ARTICLE II ENTITLED "CIRCUSES, CARNIVALS AND EXHIBITIONS" SECTION 11-261 TO 11-273 PROVIDING FOR REGULATIONS FOR THE CONDUCT AND CONTROL OF SPECIAL EVENTS, PUBLIC AFFAIRS, EXPOSITIONS, CIRCUSES, CARNIVALS AND EXHIBITIONS, AND AN EFFECTIVE DATE.

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

ARTICLE II

Special Events, Public Fairs, Parades, Expositions, Circuses, Carnivals and Exhibitions

DIVISION I GENERAL

Section 11-261 Definitions as used this Ordinance the term:

- (1) "Applicant" means any person, group or entity that applies for approval to conduct, perform or participate in a special event, public fair, exposition, circus, carnival, exhibition or parade.
- (2) "Approval" means a process of meeting the requirements of this ordinance as outlined providing for the health, safety and well being of the citizens of Riviera Beach.
- (3) "Event" means any activity which occurs in the City of Riviera Beach involving the open participation, attendance and involvement of persons in which are not normal to any licensed or regular routine business or private activities. Included but not limited to special events, public fairs, parades, expositions, circuses, carnivals and exhibitions. Any business activity in which by such conduct may create infringement or impacts upon adjacent businesses or properties or excessive demands and uses of services of the City of Riviera Beach may be declared an "event" and subject to the requirements of this Ordinance. Residential yard or garage sales are not considered 'events' for purposes of this ordinance.
- (4) "Council" means the elected governing body of the City of Riviera Beach.
- (5) "City Manager" means the chief executive official of the City of Riviera Beach responsible to the Council.
- (6) "City" means the jurisdiction and boundaries of the of the City of Riviera Beach.
- (7) "Vendors" means every person, entity, or organization engaged in the business of carnivals, traveling shows, exhibitions, concessions involved in sales of merchandise, food, services or trade of any kind. Vendors include all organizations individuals and entities whether profit or non-profit.

SECTION 11-262 Permit from City Required

No event may be conducted in the City without a permit.

Such permit shall be issued in the following manner:

The applicant shall present the City Manager a written request for the permit at least 30 days prior to the event. The request shall be accompanied by a fee of \$50.00 for processing such permit and making any required investigation. These fees collected herewith shall be deposited in a special fund account known as "Special Events Fund". This permit fee may be waived when the event is co-sponsored by the City. An applicant must meet all requirements of this ordinance prior to issuance of a permit. All permits will require final approval by majority vote of the Council. Upon approval by City Council, a permit for the event shall be issued by the Code Enforcement Division.

SECTION 11-263 Public liability Insurance Required

The applicant for a permit under this Ordinance shall furnish a certificate of insurance, naming the city as "additional insured, of a comprehensive general liability and/or public liability policy issued by an insurance company authorized to do business in the state of Florida. The limits of insurance should be at least 1 million dollars (\$1,000,000) combined single limit (CSL) for injuries to an person, persons, or property resulting from any one accident. On occasions, additional insurance coverages might be requested such as products liability, builders' risk, automobile liability, sports accident, workers' compensation etc. For some events with high potential for serious losses or accidents. A hold harmless agreement might also be requested by the City.

The required policy(ies) shall be in force and effect at the time such property of structure is to be used for any event in the City. The provision of policy(ies) shall extend from the time of permit until time of evacuation of site.

Should any of the required policies and/or coverages be cancelled before the expiration date thereof, the insurance carrier issuing the policy is required to notify the named insured ten (10) days written notice of any cancellation and/or change in the policy.

Any permit holder or applicant for an event without the specified insurance coverages and limits as required will be denied a permit or cancelled if permit issued.

SECTION 11-264 Cash of Surety Bond

The applicant for a permit under this article shall deposit with the City Clerk a cash or surety bond, which shall have as surety thereon a surety company authorized to do business in this state in the sum of five thousand dollars (\$5,000), conditional upon saving the City nameless from all liability or causes of action which might arise by virtue of granting of a permit to the applicant and conditioned further that no damage will be done to the streets, sewers, trees or adjoining property and that no paper, dirt, litter or other debris will be permitted to remain upon the streets or upon any private property by such applicant.

Such cash or surety bond will be returned to the applicant upon certification by an agent of the city that all conditions of this article have been complied with.

SECTION 11-265 Fire Department Approval

The Chief of the Fire Department or his designated representative will determine applicant requirements for permit for requested event. These requirements will include but not limited to necessary precautions to provide for health, safety and welfare of citizens.

- A. Location of Structure
- B. Maximum attendance
- C. Equipment needed such as fire extinguisher or other equipment deemed necessary for fire protection .
- D. Deposits for any required City Fire Department services.
- E. Adequate aisles, seats and platform poles
- F. Lighted and unobstructed passage ways
- G. Rescue and Ambulance Service, First Aid Station
- H. Sufficient No Smoking and Exit Signs
- I. Proper safeguarding of any use of flame or flammable materials, Clean-up of any straw, dry grass or combustible trash from the structure or assembly areas.
- J. Review of any and all procedures plus any policies of applicant relative to the event.
- K. Inspection of any materials, canvas parts, or other materials used in any event for structure, displays, floats or exhibitions.

SECTION 11-266 Police Department Approval

All permits must be approved by the Chief of Police or designated representative. The Police Department will determine the following requirements:

- A. Traffic impacts on the city
- B. Increased police personnel demands
- C. Security requirements for the event
- D. Crowd control requirements
- E. Any other requirements deemed necessary for the safety, health, welfare and good order for the city and its citizens.

SECTION 11-267 Public Works Department Involvement

The Director of Public Works will review all applications for special events determining the need.

- 1. Any special equipment, bleachers, etc.
- 2. Barricades for streets, crowd and traffic control.
- 3. Any impacts on city right-of ways.
- 4. Any personnel requirements
- 5. Requirements for disposal of litter, trash and solid waste.
- 6. Any other requirements for the event that may be necessary for the health, safety and welfare of the city.

SECTION 11-268 Department of Parks and Recreation

Any applicant requesting use of a city park or property the application will be reviewed by the Director of Parks and Recreation or designated representative for any impact or requirements.

SECTION 11-269 Department of Community Development and Environmental Control

- A. The Building Division will conduct any inspections and adopt rules and regulations under the authority of the Building Official.
 - 1. Any structures to be erected or used in connection with any event shall be inspected and approved by the building official or designated representative.
 - a. State Safety Standards for the operation of amusement devices and temporary structures must be inspected by State Inspector prior to operation and issuance of permit.
 - B1. The Code Enforcement Division will conduct any inspection or investigation to assure the protection of public health and promotion of safety and welfare.
 - 2. The Code Enforcement Division will investigate all vendors in any event and license them accordingly. Any unlicensed vendor will be given a cease and desist order. Failure to comply to this order will result in police action.
- C. The Code Enforcement Division shall issue the permit after approval by City Council and compliance with the requirements of this Ordinance.

DIVISION 2 PERMIT

SECTION 11-270 Application for Permit

The application for permit will be submitted 30 days prior to the event. It shall be unlawful for any person to erect, cause to be erected any temporary structure without obtaining a permit. No event will take place in the City without a permit.

- (A) The application will be in writing outlining the following information:
 - 1. Dates of the events
 - 2. Planned location of event
 - 3. Routes requested if a parade
 - 4. Types of construction of structures used.
 - 5. Seating capacity
 - 6. Location of any electrical wiring
 - 7. Structural details and calculations of seats and supports.
 - 8. Location of all exits
 - 9. Toilet facilities and location
 - 10. Trash receptacles and locations
 - 11. Parking facilities
 - 12. Security for the event
 - 13. Crowd control - parades number and location of parade marshals.
 - 14. Location of fire equipment

15. Location of First Aid Station and Medical assistance. Ambulance standby service
16. List of employees, vendors and participants
17. Any information pertinent to public health, safety and welfare.
18. Insurance coverages
 - A. Liability insurance
 - B. Clean up and damage bond.

SECTION 11-271 License fees and other fees

All vendors not licensed by the City will be required to be licensed before conducting business in this city. License fees will be paid to the Occupational License Section as per code. Exemptions allowed as set forth in CH 205.FS. Any permitted event can require registration fees to vendors, participants and exhibitors collected by the applicant. Any person not registered would be a trespasser and subject to trespassing laws and codes.

SECTION 11-272 Mobile, Itinerant and Street Vendors within 1 mile of event

All participants in the events will be required to pay registration fees to said applicant obtaining a permit or cease any business in the area. Registration fees will be required of all vendors regardless of tax status, exempt or non-profit. Failure to pay registration fees will result in a license fee of \$500.00 per day.

SECTION 11-273 Revocation of Permit

- (A) If the City Building Official or designated representative determines any structure of applicant's being used for permit location or premises where event is to be held, is being operated or maintained in violation of this code or other ordinances and laws of the state or city, the permit may be revoked.
- (B) It shall be unlawful for any person to cause or permit any use of such structure after revocation of permit.
- (C) Any person whose permit has been revoked may appeal to this city's Code Enforcement Board within five (5) days after receipt of a notice of revocation for a hearing. The decision of the Code Enforcement Board will be final. If no appeal is taken within five (5) days, then action of the Building Official or city representative will be final.

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

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

APPROVED:

Oliver K. Williams
MAYOR

CHAIRMAN

Stepheth R. Wood
CHAIRPERSON PRO TEM

[MUNICIPAL SEAL]

Allen Fay

ATTEST:

Carrie E. Hard
CITY CLERK *Acting*

James O. R. Lane
COUNCILMEMBERS

1st Reading

2nd and Final Reading

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

A. Fox
J. Cunningham

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

out
aye
aye
aye
aye

CERTIFICATE OF PUBLICATION

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

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

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

10/28/89
[Signature]

ORDINANCE NO. 2481

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3, OF SECTION 2-100 OF THE CODE OF ORDINANCES OF RIVIERA BEACH, FLORIDA RELATING TO RATES OF PAY AND SALARY SCHEDULE BY CHANGING THE CLASSIFIED POSITION OF DEPUTY CITY CLERK UNDER CLASS TITLE ADMINISTRATIVE, GENERAL TO AN UNCLASSIFIED POSITION.

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

SECTION 1. That Section 2-100 of Chapter 2, Article VI, Division 3, of the Code of Ordinances of Riviera Beach relating to rates of pay and salary schedule be amended by changing the classified position of Deputy City Clerk to an unclassified position as follows:

<u>CLASS TITLE</u>	<u>CLASSIFICATION</u>	<u>PAY GRADE</u>	<u>SALARY</u>
From: Administrative, General	Deputy City Clerk	G29	\$21,037 - 32,923
To: Administrative, General	Deputy City Clerk	Adm. E.	\$28,456 - 36,993

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

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

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

APPROVED:

Walter K. Williams
MAYOR

CHAIRMAN

Christoph K. West
CHAIRPERSON PRO TEM

[MUNICIPAL SEAL]

ATTEST:

Caree E. Ward
CITY CLERK *Acting*

Allen Foy

James C. McLean
COUNCILMEMBERS

MOTIONED BY: J. Cunningham
SECONDED BY: E. Wade

2nd & Final Reading
J. Cunningham
J. McGann

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

out
aye
aye
aye
aye

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

[Signature] 1989