

ORDINANCE NO. 1140

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING DIVISION 1 ENTITLED "IN GENERAL" OF ARTICLE IV ENTITLED " STOPPING, STANDING AND PARKING" OF CHAPTER 20 ENTITLED " TRAFFIC" OF THE CODE OF ORDINANCES BY ENACTING SECTIONS RELATING TO NOTICE OR CITATION ON ILLEGALLY PARKED VEHICLES, FAILURE TO COMPLY WITH NOTICE OR CITATION ATTACHED TO VEHICLE-FOLLOW-UP NOTICE-PROSECUTION IN COUNTY COURT PENALTY IMPOSED, PRESUMPTION IN REFERENCE TO ILLEGAL STOPPING, STANDING, PARKING, OR OPERATING OF A VEHICLE; PROVIDING A REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

That Division 1 entitled "In General" of Article IV entitled "Stopping, Standing and Parking of Chapter 20, entitled "Traffic" of the code of Ordinances is amended by enacting the following sections.

SECTION 1. NOTICE OR CITATION ON ILLEGALLY PARKED VEHICLES- Whenever any motor vehicle without driver is found parked, stopped or standing in violation of any of the restrictions imposed by ordinance or Code of Ordinances of the City, the officer finding such vehicle shall take its registration number, and may take any other information displayed on the vehicle which may identify its user or owner, and shall conspicuously affix to such a vehicle a notice or citation in writing on a form provided by the City Clerk.

SECTION 2. FAILURE TO COMPLY WITH NOTICE OR CITATION ATTACHED TO VEHICLE- FOLLOW-UP NOTICE-PROSECUTION IN COUNTY-COURT- PENALTY IMPOSED- A user or owner who violates any of the restrictions on stopping, standing or parking imposed by ordinance or Code of Ordinances, in response to such notice or citation affixed to such motor vehicle, may pay to the City Clerk, as a penalty for and in full satisfaction of such violation, the sum of five dollars (\$5.00), but if such user or owner shall fail to pay such penalty within five (5) days after such notice or citation was attached to such vehicle the City Clerk shall send such user or owner of such vehicle the notice or citation was affixed a follow-up notice on a form by the City Clerk, informing such user or owner of the violation, and warning such user or owner that in the event such follow-up notice is disregarded and continued failure to pay such penalty for a period of ten (10) days from the

date thereof shall permit the City Prosecutor or State Attorney to institute proceedings in the County Court against the non-paying violator and that a summons shall be issued, ordering and directing the non-paying violator's appearance at the County Court. In such event such user or owner is found guilty of said violation in County Court such user or owner shall be fined a minimum of twenty-five (\$25.00) dollars per violation.

SECTION 3. PRESUMPTION IN REFERENCE TO ILLEGAL STOPPING, STANDING OR PARKING OR OPERATING OF A VEHICLE- In any prosecution charging a violation of any of the restrictions imposed by ordinance or Code of Ordinances of the City governing the stopping, standing, parking or operation of a vehicle, proof that the particular vehicle described in the notice or citation was parked or operated in violation of any such ordinances or Code of Ordinances, together with proof that the violator named in the notice or citation was at the time of such parking or operating the registered owner of such vehicle was the person who stopped, stood, parked or operated such vehicle at the point where, and for the time during which, such violation occurred. Such presumption shall only apply when the procedure as prescribed in the Ordinance has been complied therewith.

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

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

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

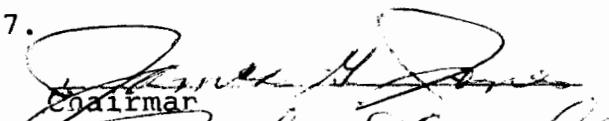
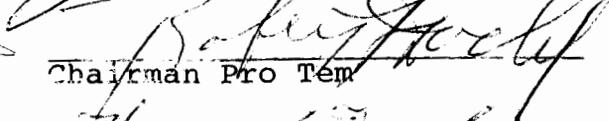
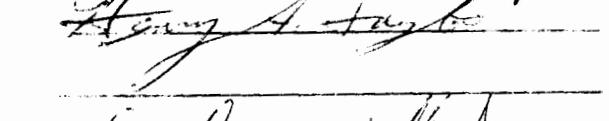
SECTION 7. This Ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED AND APPROVED on first reading this 2 day of Feb, 1977.

PASSED AND ADOPTED on second and final reading this 2 day of March, 1977.

APPROVED: 

  
MUNICIPAL SEAL

  
Chairman  
  
Chairman Pro Tem  
  
  
Councilmen

FEBRUARY 3, 1977

NOTICE OF PROPOSED ORDINANCE

The below Bill, described by title only, will be placed on second and final reading at the regular meeting of the City Council of the City of Riviera Beach, Florida to be held on Wednesday, March 2, 1977 at 7:30 p.m. at the City Hall, 2214 Avenue "E" and from time to time thereafter as may be necessary for the purpose of considering the enactment of the following ordinance:

ORDINANCE NO. 1140

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING DIVISION 1 ENTITLED "IN GENERAL" OF ARTICLE IV ENTITLED "STOPPING, STANDING AND PARKING" OF CHAPTER 20 ENTITLED "TRAFFIC" OF THE CODE OF ORDINANCES BY ENACTING SECTIONS RELATING TO NOTICE OR CITATION OR ILLEGALLY PARKED VEHICLES, FAILURE TO COMPLY WITH NOTICE OR CITATION ATTACHED TO VEHICLE-FOLLOW-UP-NOTICE-PROSECUTION IN COUNTY COURT PENALTY IMPOSED, PRESUMPTION IN REFERENCE TO ILLEGAL STOPPING, STANDING, PARKING, OR OPERATING OF A VEHICLE; PROVIDING A REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Said Ordinance may be inspected by the Public at any time during regular business hours in the Office of the City Clerk at City Hall.

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

BY ORDER OF THE CITY COUNCIL

JOHN F. VAZQUEZ, CITY CLERK

PUBLISH: THE PALM BEACH POST-TIMES, FEBRUARY 13, 1977

ORDINANCE NO. 1141

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 11, ENTITLED " LICENSES" OF THE CODE OF ORDINANCES BY CREATING A SECTION PROVIDING FOR THE DESIGNATION OF THE CITY CLERK OR DEPUTY CITY CLERK AS AGENT FOR SERVICE OF NOTICE OR PROCESS; DESIGNATION REQUIRED; FORM OF DESIGNATION; METHOD OF SERVICE OF NOTICE OR PROCESS ; VALIDITY OF SERVICE; AGREEMENT AND SIGNIFICATION OF VALIDITY OF SERVICE; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. The City Clerk or Deputy City Clerk is designated as the agent for service of any notice or process served by or in behalf of the city or county for any person or legal entity required to be licensed under Chapter 11 of the Code of Ordinances.

SECTION 2. Any person or legal entity required to be licensed under Chapter 11 of the Code of Ordinances shall before such license is issued designate on a form to be furnished by the city, the City Clerk or Deputy City Clerk as agent to receive service of any notice or process issued by or on behalf of the city or county.

SECTION 3. Any person or legal entity required to be licensed under Chapter 11 of the Code of Ordinances shall prior to the issuance of such license, designate on a form furnished by the city the mailing address such person or legal entity is to receive notice or process served by or in behalf of the city or county. If any such person or legal entity desires to change such mailing address, such person or legal entity shall file a form to be furnished by the city, specifying such change of mailing address with the City Clerk or Deputy City Clerk at least ten (10) days before making such change of mail-address.

SECTION 4. (a) Service of any notice or process issued by or in behalf of the city or county upon the City Clerk or Deputy City Clerk shall be made by leaving two copies of the notice or process with the City Clerk or Deputy City Clerk or in the clerk's office or by mailing copies to the City Clerk or Deputy City Clerk.

(b) The City Clerk or Deputy City Clerk so served shall file one copy in the office of the City Clerk and promptly send the other copy by registered or certified mail, to the person or legal entity to be served as shown by the records on file in the City Clerk's office. Proof of service on the City Clerk or Deputy City Clerk shall be by a certificate accepting the notice of process which shall be issued by the City Clerk or Deputy City Clerk promptly after service and filed in the office of the City Clerk. The certificate accepting service shall state the date upon which the copy of notice or process was mailed by the City Clerk or Deputy City Clerk to the person or legal entity being served and a copy of such certificate shall be furnished to the city or county agency issuing such notice or process.

(c) Service of notice or process upon such person or legal entity shall be effectuated on the date a copy of notice or process is mailed by the City Clerk or Deputy City Clerk to such person or legal entity at the mailing address specified by such person or legal entity to receive notice or process filed in the office of the City Clerk.

SECTION 5. The service of notice or process is valid service for all purposes on the person or legal entity licensed under Chapter 11 of the Code of Ordinances.

SECTION 6. The acceptance of a license issued pursuant to Chapter 11 of the Code of Ordinances by any person or legal entity is signification of the agreement by such person or legal entity that notice or process against them which is so served by or in behalf of the city or county is the same validity as if served personally on such person or legal entity and in lieu of any other provisions for the service of process provided by state law.

SECTION 7. Any person violating any of the provisions of this Ordinance, shall upon conviction, be subject to the Provisions of the uniform maximum penalty Ordinance, Ordinance No 1123, enacted on October 6, 1976.

SECTION 8. All Ordinances or parts of Ordinances or charter provisions in conflict herewith are to the extent of such conflict repealed.

SECTION 9. In the event that any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

SECTION 10. Specific authority is hereby granted to codify this Ordinance.

Section 11. This Ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED AND APPROVED on first reading this 2 day of Feb, 1977.

PASSED AND ADOPTED on second and final reading this 2 day of March, 1977.

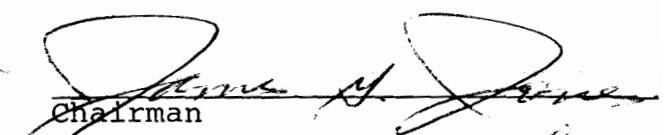
APPROVED:

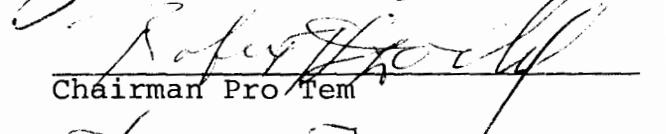
  
Mayor

( MUNICIPAL SEAL )

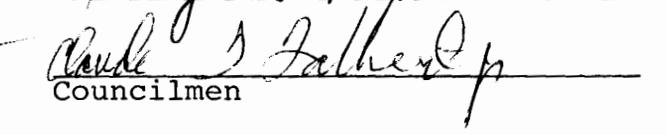
ATTEST:

  
City Clerk

  
Chairman

  
Chairman Pro Tem

  
Councilmen

  
Councilmen

February 3, 1977

NOTICE OF PROPOSED ORDINANCE

The below Bill, described by title only, will be placed on second and final reading at the regular meeting of the City Council of the City of Riviera Beach, Florida to be held on Wednesday, March 2, 1977 at 7:30 p.m. at the City Hall, 2214 Avenue "E" and from time to time thereafter as may be necessary for the purpose of considering the enactment of the following ordinance:

ORDINANCE NO. 1141

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 11, ENTITLED "LICENSES" OF THE CODE OF ORDINANCES BY CREATING A SECTION PROVIDING FOR THE DESIGNATION OF THE CITY CLERK OR DEPUTY CITY CLERK AS AGENT FOR SERVICE OF NOTICE OR PROCESS; DESIGNATION REQUIRED; FORM OF DESIGNATION; METHOD OF SERVICE OF NOTICE OR PROCESS; VALIDITY OF SERVICE; AGREEMENT AND SIGNIFICATION OF VALIDITY OF SERVICE; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Said ordinance may be inspected by the Public at any time during regular business hours in the Office of the City Clerk at City Hall.

Interested parties may appear at said meeting and be heard with respect to the ordinance.

BY ORDER OF THE CITY COUNCIL

JOHN F. VAZQUEZ, CITY CLERK

PUBLISH: THE PALM BEACH POST-TIMES, FEBRUARY 13, 1977

ORDINANCE NO. 1142

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ENACTING CHAPTER 16B ENTITLED "SOLICITORS AND CANVASSERS"; PROVIDING DEFINITIONS, LICENSE REQUIRED- EXEMPTIONS, APPLICATION FOR LICENSE, INVESTIGATION OF APPLICANT, ISSUANCE OR DENIAL OF LICENSE FOLLOWING INVESTIGATION, LICENSE REVOCATION, EXHIBITION OF LICENSE UPON REQUEST, APPEAL FROM ACTION OF TAX COLLECTOR, CHIEF OF POLICE OR CITY COUNCIL, RECORDS OF VIOLATIONS, ENFORCEMENT OF CHAPTER; FURTHER PROVIDING FOR A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

That the Code of Ordinances is amended by enacting Chapter 16B entitled "Solicitors and Canvassers" containing the following sections:

SECTION 16B-1 Definitions.

The words "solicitor" or "canvasser" as used in this chapter shall mean any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any type of conveyance, from place to place, from house to house or from street to street, or through use of the telephone, is taking or attempting to take orders for sale of goods, wares, merchandise or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not; provided, that such definition shall include any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodginghouse, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

SECTION 16B-2 License- Required; exemptions.

It shall be unlawful for any solicitor or canvasser to engage in such business within the city without first obtaining a license therefor, in compliance with the provisions of this chapter. All nonprofit corporations, associations and organizations shall be exempt from the provisions of section 16 B-3 "License Application" and section 16B-7 "Disclosure", subparagraph (d) thereof, provided same furnishes the tax collector

and the chief of police a complete list of the names and addresses of all solicitors and canvassers at least three (3) days prior to engaging in any solicitation or canvassing. Solicitors or canvassers for nonprofit corporations, associations and organizations shall have in their possession and identification card or authorization which shall be presented upon request.

SECTION 16B-3 Application.

Applicants for a license under this chapter shall file with the tax collector, which shall include the following information:

- (a) Name and address of applicant.
- (b) Purpose or activity of applicant.
- (c) Methods and dates of solicitation.
- (d) If applicant is incorporated, the names and addresses of officers, directors and resident agent.
- (e) Name of local agent or representative.
- (f) A photograph of the applicant of appropriate size taken by the police department concurrent with fingerprinting.
- (g) Fingerprints of applicant.

In addition, applicants shall publish the information contained in said application in a newspaper of general circulation in the city, at least two (2) weeks prior to the solicitation, and proof of said publication shall be furnished the tax collector prior to the issuance of a license.

SECTION 16B-4 Investigation of applicant.

Upon receipt of an application for a license under this chapter by the tax collector, the original thereof shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

SECTION 16B-5 Issuance or denial of license following investigation.

If, as a result of the investigation required by the preceding section, the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on the application for a license his disapproval and his reasons therefor, and return the application to the tax collector, who shall notify the applicant that his application is disapproved and that no license will be issued.

If, as a result of such investigation, the character and business responsibility of the applicant are found to be unsatisfactory, the chief of police shall endorse on the application his approval and return the application to the tax collector, who shall, upon payment of the prescribed license fee, deliver to the applicant his license.

SECTION 16B-6 License- Fees.

(a) The license fee which shall be charged by the city for any license issued under this chapter shall be as provided for in Section 11-8 entitled "Schedule of fees" of Chapter 11 entitled "Licenses" of the Code of Ordinances.

(b) None of the license fee provided for in this section shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed, by a licensee or an applicant for a license, to place an undue burden upon such commerce, he may apply to the tax collector for an adjustment of the fee, so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six months after payment of the prescribed license fee. The applicant or licensee shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the tax collector may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The tax collector shall then conduct an investigation, comparing the applicant's or licensee's business with other businesses of like nature and shall make findings of the fact from which he shall determine whether the fee fixed by this chapter is unfair, unreasonable or discriminatory as to the applicant's or licensee's business, and shall fix, as the license fee for the applicant or licensee, an amount that is fair, reasonable and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the tax collector shall have the power to base the fee upon a percentage of gross sales or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by subsection (a) of this section. Should the tax collector determine the gross sales measure of the fee to be the fair basis, he may require the applicant or licensee to submit,

either at the time of termination of his business in the city or at the end of each three month period, a sworn statement of the gross sales and pay the amount of fee therefor; provided, that no additional fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license fee as prescribed in subsection (a) of this section.

SECTION 16B-7 Disclosure.

(a) As used in this section "person" included any individual, firm, partnership, corporation, association or other organization.

(b) It is unlawful for any person to solicit a sale or order for sale of goods or services at the residence of a prospective buyer, in person or by means of telephone, the mails or otherwise, without clearly, affirmatively and expressly revealing at the time the person initially contacts the prospective buyer, and before making any other statement or asking the prospective buyer any other questions, all of the following:

- (1) The identity of the person making the solicitation.
- (2) The legal name of the person represented by the person making the solicitation.
- (3) That the purpose of the contact is to effect a sale.
- (4) The kind of goods or services being offered for sale.
- (5) Method of distribution of proceeds of said sale.

(c) In addition to any other penalties or remedies applicable to violations of this section, any contract entered into as a result of a solicitation in violation of this section is void and the buyer shall be entitled to restitution of any money paid for the purchase of goods or services under any such contract.

(d) The city shall issue to each applicant at the time of the issuance of an occupational license, a badge which shall contain the name and a photograph of the licensee. Said badge shall, during the time such licensee is engaged in soliciting, be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous.

SECTION 16B-8 License- Revocation.

Licenses issued under the provisions of this chapter may be revoked by the city council, after due notice in writing and hearing, for any one of the following causes:

(a) Fraud, misrepresentation or false statements contained in the application for a license.

(b) Fraud, misrepresentation or false statements made in the course of carrying on his business as solicitor or canvasser.

(c) Any violation of any of the provisions of this chapter or other provisions of this Code or other ordinances of the city.

(d) Conviction of any crime or misdemeanor involving moral turpitude.

(e) Conducting the business of soliciting or of canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

SECTION 16B-9 Exhibition of License upon request.

Solicitors and canvassers are required to exhibit their licenses at the request of any citizen.

SECTION 16B-10 Appeal from action of tax collector, chief of police or city commissioner.

Any person aggrieved by the action or the actions of the chief of police or the tax collector in the denial of a license under this chapter, the action of the tax collector in the assessing of the fee, as provided in this chapter, or the action of the city council in revoking the license issued under this chapter shall have the right of appeal to the city council. Such appeal shall be taken by filing with the city clerk, within fourteen days after notice of the action complained of has been mailed to the appellant, a written statement setting forth fully the grounds for the appeal. The city council shall set a time and place for a hearing on such appeal, within a reasonable time, and notice of such hearing shall be given to the appellant. The decision and order of the city council on such appeal shall be final and conclusive.

SECTION 16B-11 Record of violations.

The chief of police shall report to the tax collector all convictions for violation of this chapter and the tax collector shall maintain a record for each license issued and record the reports of violation therein.

SECTION 16B-12 Enforcement of chapter.

It shall be the duty of any police officer of the city to require any person seen soliciting or canvassing and who is not known by such officer to be duly licensed, to produce his solicitor's or canvasser's license and to enforce the provisions of this chapter against any person found to be violating the same.

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

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

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

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

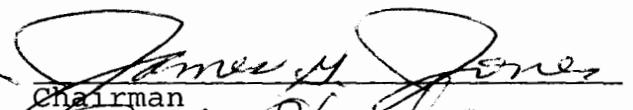
SECTION E . This Ordinance shall take effect upon its final passage and adoption by the City Council.

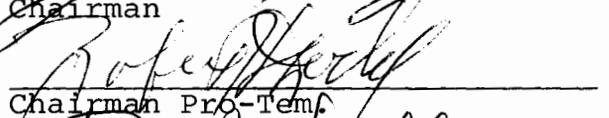
PASSED AND APPROVED on first reading this 2 day of Feb., 1977.

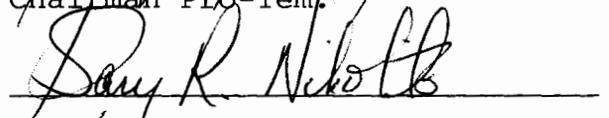
PASSED AND ADOPTED on second and final reading this 2 day of March, 1977

APPROVED:

  
Mayor

  
Chairman

  
Chairman Pro-Tem.

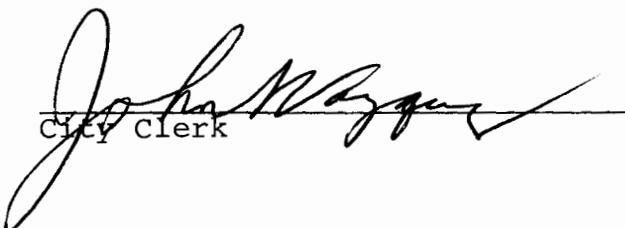






( MUNICIPAL SEAL )

ATTEST:

  
City Clerk

FEBRUARY 3, 1977

NOTICE OF PROPOSED ORDINANCE

The below Bill, described by title only, will be placed on second and final reading at the regular meeting of the City Council of the City of Riviera Beach, Florida to be held on Wednesday, March 2, 1977 at 7:30 p.m. at the City Hall, 2214 Avenue "E" and from time to time thereafter as may be necessary for the purpose of considering the enactment of the following ordinance:

ORDINANCE NO. 1142

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ENACTING CHAPTER 16B ENTITLED "SOLICITORS AND CANVASSERS"; PROVIDING DEFINITIONS, LICENSE REQUIRED-EXEMPTIONS, APPLICATION FOR LICENSE, INVESTIGATION OF APPLICANT, ISSUANCE OR DENIAL OF LICENSE FOLLOWING INVESTIGATION, LICENSE REVOCATION, EXHIBITION OF LICENSE UPON REQUEST, APPEAL FROM ACTION OF TAX COLLECTOR, CHIEF OF POLICE OR CITY COUNCIL, RECORDS OF VIOLATIONS, ENFORCEMENT OF CHAPTER; FURTHER PROVIDING FOR A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Said Ordinance may be inspected by the Public at any time during regular business hours in the Office of the City Clerk at City Hall.

Interested parties may appear at said meeting and be heard with respect to the ordinance.

BY ORDER OF THE CITY COUNCIL

JOHN F. VAZQUEZ, CITY CLERK

PUBLISH: THE PALM BEACH POST-TIMES, FEBRUARY 13, 1977

EMERGENCY ORDINANCE NO. 1143

AN EMERGENCY ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING ORDINANCE NO. 1128, ENACTED ON NOVEMBER 3, 1976, AND MADE EFFECTIVE ON APRIL 1, 1977, PROVIDING A SAVING CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

SECTION 1. That Ordinance No. 1128, enacted on November 3, 1976, and made effective on April 1, 1977, a copy of which is attached hereto and made a part of this Ordinance is repealed in its entirety.

SECTION 2. In the event that any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

SECTION 3. This Ordinance shall take effect upon its passage and adoption by the City Council.

PASSED AND ADOPTED as an Emergency Ordinance this 16 day of March, 1977.

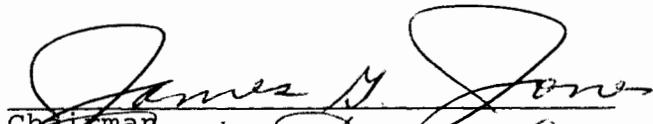
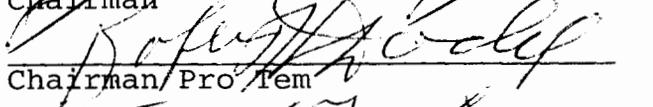
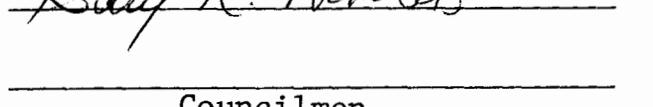
APPROVED:

  
Mayor

(MUNICIPAL SEAL)

ATTEST:

  
City Clerk

  
Chairman  
  
Chairman Pro Tem  
  
  
Councilmen

Missing

Ordinance

#

11 44

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Missing

Ordinance

# 1145

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ORDINANCE NO. 1146

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING IN ITS ENTIRETY CHAPTER 73-129, LAWS OF FLORIDA, AND SUBSEQUENT AMENDMENTS OR REVISIONS THERETO, ENTITLED "MUNICIPAL HOME RULE POWERS ACT" AS CUMULATIVE AND SUPPLEMENTAL OF OTHER METHODS NOW PROVIDED BY ORDINANCE, CODE OF ORDINANCES OR THE CHARTER OF THE CITY OF RIVIERA BEACH FOR ADOPTION AND ENACTMENT OF MUNICIPAL RESOLUTIONS, ORDINANCES, CODE OF ORDINANCES, CHARTER REVISIONS; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 73-129, Laws of Florida, and subsequent amendments or revisions thereto, entitled "Municipal Home Rule Powers Act" be adopted in its entirety as cumulative and supplemental of other methods now provided by ordinance, Code of Ordinances or the Charter of the City of Riviera Beach for the adoption and enactment of municipal resolutions, ordinances, Code of Ordinances or Charter revisions.

SECTION 2. The adoption and passage of this Ordinance does not repeal or modify any provision or section in any contained in any resolution, ordinance, Code of Ordinances or Charter of the City of Riviera Beach.

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

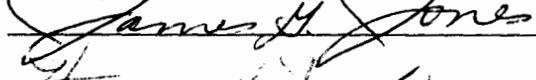
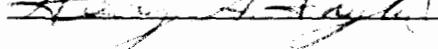
SECTION 4. This ordinance shall take effect upon its final passage and adoption by the City Council.

PASSED AND ADOPTED on first reading, this 18 day of \_\_\_\_\_, 1977.

PASSED AND ADOPTED on second and final reading this 18 day of May, 1977.

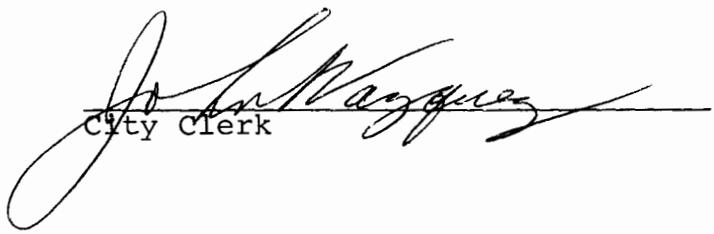
APPROVED:

  
Mayor

  
Chairman  
  
Chairman Pro Tem  
  
  


( MUNICIPAL SEAL )

ATTEST:

  
City Clerk

NOTICE OF PROPOSED ORDINANCE

April 21, 1977

The below Bill, described by title only, will be placed on second and final reading at the Regular Meeting of the City Council of the City of Riviera Beach, Florida to be held on Wednesday, May 18, 1977 at 7:30 p.m. at the City Hall, 2214 Avenue "E" and from time to time thereafter as may be necessary for the propose of considering the enactment of the following ordinance:

ORDINANCE NO. 1146

An Ordinance of the City of Riviera Beach, Palm Beach County, Florida, adopting in its entirety Chapter 73-129, Laws of Florida, and subsequent amendments or revisions thereto, entitled "Municipal Home Rule Powers Act" as cumulative and supplemental of other methods now provided by ordinance, code of ordinances or the Charter of the City of Riviera Beach for adoption and enactment of Municipal Resolutions, Ordinances, Code of Ordinances, Charter Revisions; providing a savings clause and an effective date.

Said Ordinance may be inspected by the Public at any time during regular business hours in the Office of the City Clerk at City Hall.

Interested parties may appear at said meeting and be heard with respect to the ordinance.

BY ORDER OF THE CITY COUNCIL

John F. Vazquez, City Clerk

PUBLISH: THE PALM BEACH POST-TIMES, FRIDAY, MAY 2nd, 1977

EMERGENCY ORDINANCE NO. 1147

AN EMERGENCY ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CITY COUNCIL'S FINDING OF FACTS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH, FLORIDA, 1957, AS AMENDED, BY ADOPTING A NEW CHAPTER, CHAPTER 2A ENTITLED "ADULT BOOKSTORES, ADULT MOTION PICTURE THEATERS AND ADULT MOTELS AND HOTELS"; PROVIDING A PURPOSE, DEFINITIONS AND REGULATIONS, PENALTY CLAUSE REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AND EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Riviera Beach, Palm Beach County, Florida, after consideration, study and deliberation has found and determined that there exists an emergency that constitutes an immediate and serious menace to the safety, health and welfare of the residents of the City of Riviera Beach, Florida; and

WHEREAS, the City Council of the City of Riviera Beach finds that the regulation under the police power of the city of adult bookstores, adult motion picture theatres and adult motels and hotels is necessary for the protection of the public health, morals, safety and welfare; and

WHEREAS, the City Council recognizes that the fields of distribution of obscene materials, and exposing persons under 17 years of age to harmful motion pictures, exhibitions, shows, representations and presentations, are preempted by the Florida Statutes to the State of Florida; and

WHEREAS, it is not the intent of the City Council to regulate the preempted subjects referred to in the paragraph above, the regulation of which is carried out by the State; and

WHEREAS, the operation of and effect on the City and its citizens of adult bookstores, adult motion picture theaters and adult motels or hotels is substantially different from that of other bookstores, motion picture theaters, motels or hotels within the City; and

WHEREAS, the City Council of the City of Riviera Beach is concerned about preventing the deterioration of commercial and residential neighborhoods; and

WHEREAS, the City Council of the City of Riviera Beach perceives that the concentration of adult bookstores, adult motion picture theaters and adult motels and hotels works a deleterious effect upon the adjacent areas and could contribute to the blighting and downgrading of the surrounding neighborhood; and

WHEREAS, the City Council of the City of Riviera Beach perceives that when adult bookstores, adult motion picture theaters and adult motels and hotels are located in close proximity to

establishments selling beer or intoxicating liquor for consumption on the premises; hotels or motels; public lodging houses; churches; schools; pawnshops and pool or billiard halls the aforementioned likewise work a deleterious effect upon the adjacent areas and could contribute to the blighting and downgrading of the surrounding neighborhoods; and

WHEREAS, the City Council wishes to regulate adult bookstores, adult motion picture theaters and adult motels and hotels in such a manner as to protect the rights of lawful business operations of this type but also to protect the citizens of Riviera Beach from the operation of businesses which are contrary to the public health, morals, safety and welfare; and

WHEREAS, the City Council finds that enclosed adult motion picture booths are conducive to and are often used for commission of immoral, lewd, indecent or illegal acts; and

WHEREAS, City Council finds that adult motion picture booths would not be as conducive to the commission of immoral, Lewd, indecent or illegal acts if such adult motion booths did not have a door or other covering across or over the entrances thereto.

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

SECTION 1. That the Code of the City of Riviera Beach, Florida, 1957, as amended, is hereby further amended by adopting a Chapter 2A entitled "Adult Bookstores, Adult Motion Picture Theaters and Adult Motels and Hotels" to read as follows:

#### CHAPTER 2A

#### ADULT BOOKSTORES, ADULT MOTION PICTURE THEATERS AND ADULT MOTELS AND HOTELS

##### Sec. 2A.1. Purpose

It is the purpose of this Chapter to regulate adult bookstores, adult motion picture theaters and adult motels and hotels so as to lessen the concentration of said establishments and their proximity to each other and to other stated establishments which would otherwise work a deleterious effect upon the adjacent areas and could contribute to the blighting and downgrading of the surrounding neighborhoods.

##### Sec. 2A.2. Definitions

The following terms, when used in this chapter, shall have the meanings respectively ascribed to them in this section.

1. Adult bookstores is a place where books, magazines, records, photographs or moving pictures are sold, or a part of any business set aside as a place where books, magazines, records, photographs or moving pictures are sold, which has as its principal purpose the offering for sale to adults of books, magazines, records, photographs, moving pictures or other merchandise which have as their dominant or primary theme matters depicting, describing or relating to specified sexual activities.

2. Adult motion picture booth is an area within an adult motion picture theater designed for or used for the viewing by one or two persons of motion pictures which have as their dominant or primary theme matters depicting, describing or relating to specified sexual activities.

3. Adult motion picture theater is a place where motion pictures are shown, or a section, department, or part of any business set aside for the showing of motion pictures, which has as its principal purpose the offering for viewing to adults of motion pictures which have as their dominant or primary theme matters depicting, describing or relating to specified sexual activities.

4. Adult motel or hotel is a place where motion pictures are shown in rooms designed primarily for lodging, which said motion pictures have as their dominant or primary theme matters depicting, describing or relating to specified sexual activities.

5. Department is the Police Department of the City of Riviera Beach.

6. Interested party is any person, partnership or corporation which is an applicant for a license or who is an employee of an applicant for a license, any person who is a partner in a partnership which is an applicant for a license and any person, partnership or corporation which is an officer, director or principal stockholder of a corporation which is an applicant for a license.

7. License shall mean a regulatory license under the provisions of this chapter for the operation of an adult bookstore or a regulatory license for the operation of an adult motion picture theater or a regulatory license for the operation of an adult motel or hotel.

8. Principal stockholder is any person, partnership or corporation which owns or controls legally or beneficially twenty-five (25%) percent or more of a corporation's outstanding stock. In addition, if a principal stockholder of a corporation (referred to herein as corporation A is another corporation (referred to herein as corporation B), the officers, directors and principal stockholders of corporation B shall be considered principal stockholders of corporation A. If a corporation is registered with the Federal Securities Exchange Commission or is registered pursuant to Chapter 517 of Florida Statutes, and the corporation's stock is for sale to the general public, such corporation shall be considered not to have any principal stockholders.

9. Specified criminal act is any felony or soliciting for prostitution, pandering, prostitution, keeping a house of ill fame, lewd and lascivious behavior, exposing minors to harmful materials, distributing obscene materials, possession of obscene materials, transporting obscene materials, or sale or possession of a controlled substance or narcotic.

10. Specified sexual activities are any one or more of the following:

(a) Depiction of human genitals in a state of sexual stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse, sodomy, masochism, sadism, or sadomasochism.

(c) Fondling or other erotic touching of human genitals, public region, buttock or female breast.

Sec. 2A.3 Regulatory license required; application investigation required; contents of application; fee

An annual regulatory license shall be required for each adult bookstore, each adult motion picture theater and each adult motel and hotel. No license shall be issued until an application is made to the department which shall cause an investigation to be made to determine whether the applicant has complied with this chapter and all other requirements of this Code and of the Florida Statutes. Each application must be accompanied by a fee of two hundred fifty (\$250.00) dollars to cover the cost of investigation and administration. Each application must be sworn to and state the name, address and age of the applicant, or if a partnership, the names addresses and ages of the persons who constitute such partnership, or if a corporation, the names, addresses and ages of its directors, officers and principal stockholders. Each application must also include the names, addresses and ages of all present employees of the adult bookstore or the adult motion picture theater or adult motel or hotel or if there are no employees, a statement to that effect. A statement as to whether any interested party of the applicant has been convicted within ten (10) years of the date of application of any specified criminal act and if so, the name of such interested party, the date and place of conviction and the nature of the crime for which the interested party was convicted. Licenses issued pursuant to this chapter shall be in addition to and not in lieu of any occupational licenses or other licenses or permits required under this Code.

Sec. 2A.4. License not to be issued without specific authorization following conviction for certain crimes

The department shall not grant without an authorization from the City Council a license or renewal of a license to operate an adult bookstore, an adult motion picture theater or adult motel or hotel to any applicant if an interested party thereof has been convicted of a specified criminal act and such conviction is final and not on appeal within ten (10) years of the date of application. The term "conviction" shall include an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond upon a charge of crime.

Sec. 2A.5 License not to be issued without specific authorization to certain persons, etc., after revocation.

The department shall not grant without specific authorization from the City Council a license to operate an adult bookstore, an adult motion picture theater, or adult motel or hotel to a person if such person was the licensee, or was an employee of the licensee, or was a partner in a partnership which was the licensee, or was an officer, director or principal stockholder of a corporation which was the licensee of an adult bookstore, an adult motion picture theater or adult motel or hotel at the time such license was revoked under the provisions hereof. The department shall not grant without specific authorization from City Council a license to operate an adult bookstore, an adult motion picture theater or adult motel or hotel to a partnership if any partner thereof was a licensee, or was an employee of a licensee, or was a partner on a partnership which was the licensee, or was an officer, director or principal stockholder of a corporation which was the licensee of an adult bookstore, an adult motion picture theater or adult motel or hotel at the time such license was revoked under the provisions hereof. The department shall not grant without specific authorization from the City Council a license to operate an adult bookstore, an adult motion picture theater or adult motel or hotel to a corporation if any officer, director or principal stockholder thereof was a licensee, or was an employee of a licensee, or was a partner in a partnership which was the licensee, or was an officer, director of an adult bookstore, an adult motion picture theater or adult motel or hotel at the time such license was revoked under the provisions hereof.

Sec. 2A.6. Issuance of license; term; renewal

If the department determines that the applicant is eligible for the issuance of a license, a regulatory license shall be issued for the fiscal year beginning October first and ending September thirtieth, or a fraction thereof. A license shall be renewed upon the approval of the department after an application for renewal has been duly submitted together with a renewal application fee of one hundred (\$100.00) dollars. In order for the department to grant a renewal, the application for renewal and the investigation thereon must show that the applicant is eligible under the provisions hereof for the issuance of a license.

Sec. 2A.7. Appeal from denial of license

If the department determines that it may not issue a license to the applicant under the provisions of this chapter, the department shall notify the applicant of the department's intention to deny the license. Such notice shall include a copy of this ordinance and the reason for the denial of the license. The applicant shall have the right to appeal the denial of the license to the City Council by filing with the City Clerk a notice of appeal within ten (10) days of receipt by applicant of notice of intent to deny. The City Council within fifteen (15) days of such appeal, shall hold a public hearing to determine whether issuance or renewal of the license would be detrimental to the public health, morals, safety and welfare. If the City Council determines that the issuance of the license would not be detrimental to the public health, morals, safety and welfare, City Council shall specifically authorize the department to issue a license to the applicant and the department shall issue such license forthwith. If the City Council determines that the issuance of the license would be detrimental to the public health, morals, safety and welfare, the City Council shall notify the applicant and the department shall not issue such license.

Sec. 2A.8. Authority to revoke licenses; grounds for revocation

The City Council, by majority vote of those present, after a hearing as hereinafter provided, is hereby authorized to revoke

any license issued under the provisions of this chapter of any licensee under one or more of the following circumstances if the City Council makes an affirmative finding that the continued operation of the licensed premises would be detrimental to the public health, morals safety and welfare:

1. Licensee is convicted of a specified criminal act.
2. If the licensee is a partnership, if any partner thereof is convicted of a specified criminal act.
3. If the licensee is a corporation, if any officer, director or principal stockholder is convicted of a specified criminal act.
4. A nuisance as defined in Florida Statutes, Section 823.05 ( 1975) is maintained on the licensed premises.
5. Licensee or any employee of licensee engages in or permits on the licensed premises disorderly or indecent conduct as defined by those portions of the Florida Statutes held constitutional by applicable case law.
6. Licensee fails to comply with the fire prevention ordinances of the City after reasonable notice shall have been given to the licensee to eliminate or correct any condition in violation of such ordinances on the licensed premises.
7. Licensee fails to comply with the provision of the health ordinance of the City of Riviera Beach, the County of Palm Beach or the State of Florida after reasonable notice shall have been given to the licensee to eliminate or correct any condition in violation of such ordinances on the licensed premises.
8. Licensee fails to comply with any provision of the city building code, the city electrical code, the city mechanical code or the city plumbing code after reasonable notice shall have been given to the licensee to eliminate or correct any condition in violation of such ordinances on the licensed premises.
9. Any employee of licensee has been convicted of a specified criminal act for act(s) committed by the employee on the licensed premises while employed by the licensee.
10. Licensee fails to comply with any provisions of this ordinance after reasonable notice shall have been given to the licensee to eliminate or correct any condition in violation of such ordinance on the licensed premises.
11. Licensee fails to comply with provisions of Florida Statutes and this Code concerning licensing of operators of moving picture machines after reasonable notice shall have been given to comply with such provisions.

Sec. 2A.9. Notice and hearing concerning license revocation

Whenever the City Council shall find any of the conditions enumerated herein to exist, it shall notify the licensee that City Council shall hold a public hearing to determine whether the continued operation of the licensed premises is detrimental to the public health, morals, safety and welfare. Such hearing is to be

held at a time and place to be specified in the notice and at a time not less than ten(10) days from the date of service of the notice. Such notice shall also list with specificity the acts or occurrence concerning which the hearing will be held.

Sec. 2A.10. Completely enclosed or screened area required

Each adult bookstore, adult motion picture theater, adult motel or hotel shall be completely enclosed or screened to prevent any viewing of the interior reserved for patrons from the exterior area of such interior area.

Sec. 2A.11. Adult motion picture booths

Each adult motion picture booth shall have a rectangular-shaped entrance way of not less than two feet wide and six feet high. There shall be no door, curtain or other obstruction blocking or closing off any part of or all of such entrance way at any time.

Sec. 2A.12. Distance requirements

No adult bookstore, adult motion picture theater, adult motel or hotel shall be located within a one (1) mile radius, property line to property line, of any other of the aforementioned establishments or within one thousand (1,000) feet, property line to property line, of any establishment selling beer or intoxicating liquor for consumption on the premises; hotels; or motels; public lodging houses; churches, schools; kindergartens; pawnshops, pool or billiard halls, or property zoned "R-1," "R-1A," "R-1AA", "R-1B", R-2," or "R-C-U-P" Chapter 23, City Code.

Sec. 2A.13. Operating adult bookstore, adult motion picture theater or adult motel or hotel illegal without license

It shall be unlawful for any person, partnership, corporation or any other entity to operate an adult bookstore, adult motion picture theater or adult motel or hotel within the City of Riviera Beach unless such adult bookstore, adult motion picture theater or adult motel or hotel shall have a currently valid regulatory license therefor.

Sec. 2A.14. Penalty

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

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

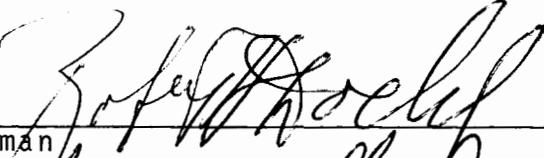
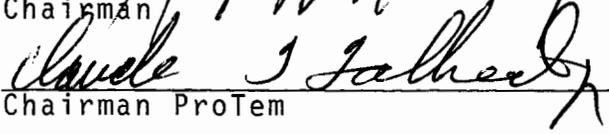
SECTION 3. Specific authority is hereby granted to codify this Ordinance.

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

PASSED and ADOPTED AS AN EMERGENCY ORDINANCE on this  
20 day of July, 1977.

APPROVED:

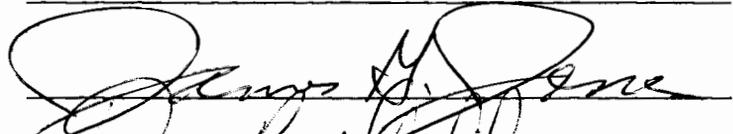
  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chairman  
  
\_\_\_\_\_  
Chairman ProTem

(MUNICIPAL SEAL)

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Councilmen

1147

EMERGENCY ORDINANCE NO. 1148

AN EMERGENCY ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CITY COUNCIL'S FINDING OF FACTS; AMENDING SUBSECTIONS (a), (b), and (c) OF SECTION 4-24 ENTITLED "RESTRICTIONS ON ISSUANCE OF LICENSES IN CERTAIN AREAS; HOURS OF SALE." OF ARTICLE II ENTITLED "MISCELLANEOUS RESTRICTIONS" OF CHAPTER 4 ENTITLED "ALCOHOLIC BEVERAGES" OF THE CODE OF ORDINANCES REGULATING THE LOCATION OF RETAIL ESTABLISHMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES IN RELATION TO ANOTHER BAR OR PACKAGE STORE, CHURCH, OR PUBLIC, PRIVATE OR PAROCHIAL SCHOOL; PROVIDING THE METHOD OF MEASUREMENT, PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY AND EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City Council after consideration, study and deliberation has found and determined that there exists an emergency that constitutes an immediate and serious menace to the safety, health and welfare of the residents of the City of Riviera Beach; now therefore:

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

SECTION 1. That subsections (a), (b), and (c) of Section 4-24 entitled "Restrictions on issuance of licenses in certain areas; hours of sale." of Article II entitled "Miscellaneous Restrictions" of Chapter 4 entitled "Alcoholic Beverages" of the Code of Ordinances is amended to read:

"Sec. 4-24. Restrictions on issuance of licenses in certain areas; hours of sale.

(a) No license other than those in effect at the date of the adoption hereof ~~{September-26-1962}~~ for the operation of a bar or package store ( for consumption on or off the premises) for sale of intoxicating beverages shall be issued where the location of such proposed bar or package store is within five ten hundred ~~{500}~~ ( 1,000 ) feet of another bar or package store, church or public, private or parochial school. The method of measurement that shall apply in such cases shall be made by air line measurement made or taken from the ~~main-front-entrance-of-such-church-or place-of-business-of-such-licenses-bar-or-package store-to-the-main-entrance-of-such-applicants-place-of business-along-the-route-of-ordinary-pedestrian-traffic~~ lot lines of the respective properties which are closest to one another

(b) In the event any bar or package store licensed by the City on the date of the adoption hereof ~~{September 26-1962}~~, shall after such date, cease operation, shall fail to renew its license or in the event its license is for any reason revoked, no new license shall thereafter issue to such place of business if it shall be located within such five ten hundred ~~{500}~~ ( 1,000 ) feet from any then existing bar or package store, church, or public, private or parochial school.

(c) ~~Notwithstanding the provisions of subsections (a) and (b) of this section.~~ The place of business for the operation of any licensed bar or package store may be moved or transferred to another location within the city provided ~~either~~ the new location is not within ~~five~~ ten hundred ~~(500)~~ (1,000) feet of any bar or package store, church, public, private or parochial school. The measurement shall be made by the city engineer as provided in section (a) hereof, and his determination shall be final and binding, on all parties. The bars and package stores licensed under subsection (e) hereof shall be excluded from any computations made hereunder."

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

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

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

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

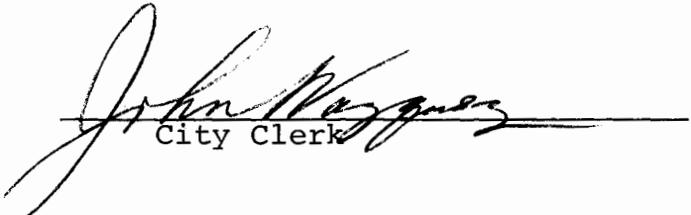
SECTION 6. PASSED and ADOPTED as an Emergency Ordinance on this 6 day of July, 1977.

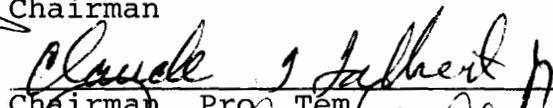
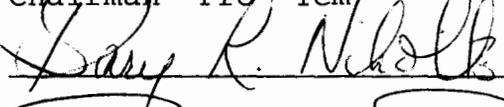
APPROVED:

  
\_\_\_\_\_  
Mayor

( MUNICIPAL SEAL )

ATTEST:

  
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Chairman  
  
\_\_\_\_\_  
Chairman Pro Tem  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Councilmen

EMERGENCY ORDINANCE NO. 1148

AN EMERGENCY ORDINANCE OF THE CITY OF RIVIERA BEACH PALM BEACH COUNTY, FLORIDA, CITY COUNCIL'S FINDING OF FACTS; AMENDING SUBSECTIONS (a), (b), and (c) OF SECTION 4-24 ENTITLED "RESTRICTIONS ON ISSUANCE OF LICENSES IN CERTAIN AREAS; HOURS OF SALE." OF ARTICLE II ENTITLED "MISCELLANEOUS RESTRICTIONS" OF CHAPTER 4 ENTITLED "ALCOHOLIC BEVERAGES" OF THE CODE OF ORDINANCES REGULATING THE LOCATION OF RETAIL ESTABLISHMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES IN RELATION TO ANOTHER BAR OR PACKAGE STORE, CHURCH, OR PUBLIC, PRIVATE OR PAROCHIAL SCHOOL; PROVIDING THE METHOD OF MEASUREMENT, REPEALING SUBSECTION (i) OF SECTION 4-24 OF ARTICLE II OF CHAPTER 4; OF THE CODE OF ORDINANCES; PROVIDING A PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY AND EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City Council after consideration, study and deliberation has found and determined that there exists an emergency that constitutes an immediate and serious menace to the safety, health and welfare of the residents of the City of Riviera Beach; now therefore:

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

SECTION 1. That subsections (a), (b), and (c) of Section 4-24 entitled "Restrictions on issuance of licenses in certain areas; hours of sale." of Article II entitled "Miscellaneous Restrictions" of Chapter 4 entitled "Alcoholic Beverages" of the Code of Ordinances is amended to read:

"Sec. 4-24- Restrictions on issuance of licenses in certain areas; hours of sale.

(a) No license other than those in effect at the date of the adoption hereof ~~(September 26, 1962)~~ for the operation of a bar or package store ( for consumption on or off the premises) for sale of intoxicating beverages shall be issued where the location of such proposed bar or package store is within five hundred ~~(500)~~ ( ) feet of another bar or package store, church or public, private or parochial school. The method of measurement that shall apply in such cases shall be made by air line measurement made or taken from ~~the main-front-entrance-of-such-church-or-place-of-business-of-such-license-bar-or-package-store-to-the-main-entrance-of-such-applicants-place-of-business-along-the-route-of-ordinary--pedestrian-traffic~~ lot lines of the respective properties which are closest to one another.

(b) In the event any bar or package store licensed by the City on the date of the adoption hereof ~~(September 26, 1962)~~, shall after such date, cease operation, shall, fail to renew its license or in the event its license is for any reason revoked, no new license shall thereafter issue to such place of business if it shall be located within such five hundred ~~(500)~~ ( ) feet from any then existing bar or package store, church, or public, private or parochial school.

(c) ~~Notwithstanding the provisions of subsections (a) and (b) of this section.~~ The Place of business for the operation of any licensed bar or package store may be moved or transferred to another location within the City provided either the new location is not within five hundred ~~(500)~~ ( ) feet of any bar or package store, church, public, private or parochial

school. The measurement shall be made by the City Engineer as provided in Section (a) hereof, and his determination shall be final and binding, on all parties. The bars and package stores licenses under subsection (e) hereof shall be excluded from any computations made hereunder."

SECTION 2. That subsection (i) of Section 4-24 entitled "Restrictions on issuance of Licenses in Certain Areas; Hours of Sale." of Article II entitled "Miscellaneous Restrictions" of Chapter 4 entitled "Alcoholic Beverages" of the Code of Ordinances which reads:

~~"-(i)-The-provisions-of-subsections-(a), (b), and (c)-of this-section-shall-not-apply-to-four-(4)-COP-licenses-issued-by-the-division-of-beverages-of-the-department-of-business-regulation."~~

is repealed.

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

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

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

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

SECTION 7. PASSED and ADOPTED as an Emergency Ordinance on this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman Pro Tem

( MUNICIPAL SEAL )

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ATTEST:

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Councilmen

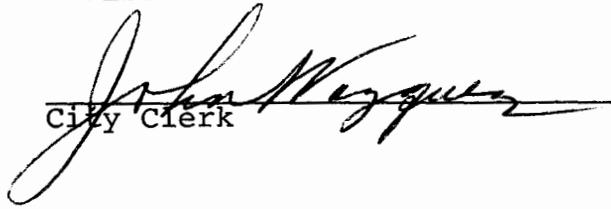
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City Clerk

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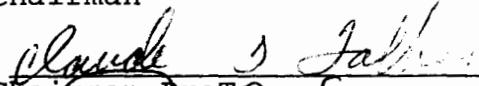
  
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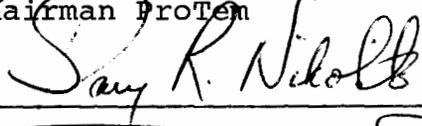
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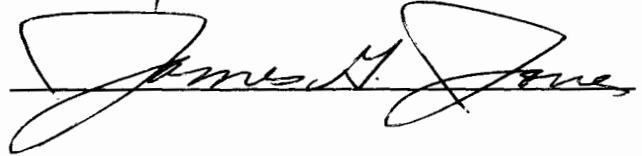
ATTEST:

  
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City Clerk

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Chairman

  
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Chairman Pro Tem

  
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Councilmen

  
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Councilmen

ORDINANCE NO. 1149

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH, FLORIDA, 1957, AS AMENDED, BY ADOPTING A NEW CHAPTER, CHAPTER 2A, ENTITLED "ADULT BOOKSTORES, ADULT MOTION PICTURE THEATERS AND ADULT MOTELS AND HOTELS"; PROVIDING A PURPOSE, DEFINITIONS AND REGULATIONS, PENALTY CLAUSE, REPEALING CLAUSE, SAVING CLAUSE, AUTHORITY TO CODIFY, AND EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

WHEREAS, the City Council of the City of Riviera Beach, Palm Beach County, finds that the regulation under the police power of the City of adult bookstores, adult motion picture theaters and adult motels and hotels is necessary for the protection of the public health, morals, safety and welfare; and

WHEREAS, the City Council recognizes that the fields of distribution of obscene materials, and exposing persons under 17 years of age to harmful motion pictures, exhibitions, shows, representations and presentations, are preempted by the Florida Statutes to the State of Florida; and

WHEREAS, it is not the intent of the City Council to regulate the preempted subjects referred to in the paragraph above, the regulation of which is carried out by the State; and

WHEREAS, the operation of and effect on the City and its citizens of adult bookstores, adult motion picture theaters and adult motels and hotels is substantially different from that of other bookstores, motion picture theaters, motels or hotels within the City; and

WHEREAS, the City Council of the City of Riviera Beach is concerned about preventing the deterioration of commercial and residential neighborhoods; and

WHEREAS, the City Council of the City of Riviera Beach perceives that the concentration of adult bookstores, adult motion picture theaters and adult motels and hotels works a deleterious effect upon the adjacent areas and could contribute to the blighting and downgrading of the surrounding neighborhood; and

WHEREAS, the City Council of the City of Riviera Beach perceives that when adult bookstores, adult motion picture theaters and adult motels and hotels are located in close proximity to

establishments selling beer or intoxicating liquor for consumption on the premises; hotels or motels; public lodging houses; churches; schools; pawnshops and pool or billiard halls the aforementioned likewise work a deleterious effect upon the adjacent areas and could contribute to the blighting and downgrading of the surrounding neighborhoods; and

WHEREAS, the City Council wishes to regulate adult bookstores, adult motion picture theaters and adult motels and hotels in such a manner as to protect the rights of lawful business operations of this type but also to protect the citizens of Riviera Beach from the operation of businesses which are contrary to the public health, morals, safety and welfare; and

WHEREAS, the City Council finds that enclosed adult motion picture booths are conducive to and are often used for commission of immoral, lewd, indecent or illegal acts; and

WHEREAS, City Council finds that adult motion picture booths would not be as conducive to the commission of immoral, lewd, indecent or illegal acts if such adult motion booths did not have a door or other covering across or over the entrances thereto.

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

SECTION 1. That the Code of the City of Riviera Beach, Florida, 1957, as amended, is hereby further amended by adopting a Chapter 2A entitled "Adult Bookstores, Adult Motion Picture Theaters and Adult Motels and Hotels" to read as follows:

#### CHAPTER 2A

#### ADULT BOOKSTORES, ADULT MOTION PICTURE THEATERS AND ADULT MOTELS AND HOTELS

##### Sec. 2A.1. Purpose

It is the purpose of this Chapter to regulate adult bookstores, adult motion picture theaters and adult motels and hotels so as to lessen the concentration of said establishments and their proximity to each other and to other stated establishments which would otherwise work a deleterious effect upon the adjacent areas and could contribute to the blighting and downgrading of the surrounding neighborhoods.

##### Sec. 2A.2. Definitions

The following terms, when used in this chapter, shall have the meanings respectively ascribed to them in this section.

1. Adult bookstores are a place where books, magazines, records, photographs or moving pictures are sold, or a part of any business set aside as a place where books, magazines, records, photographs or moving pictures are sold, which has as its principal purpose the offering for sale to adults of books, magazines, records, photographs, moving pictures or other merchandise which have as their dominant or primary theme matters depicting, describing or relating to specified sexual activities.

2. Adult motion picture booth is an area within an adult motion picture theater designed for or used for the viewing by one or two persons of motion pictures which have as their dominant or primary theme matters depicting, describing or relating to specified sexual activities.

3. Adult motion picture theater is a place where motion pictures are shown, or a section, department, or part of any business set aside for the showing of motion pictures, which has as its principal purpose the offering for viewing to adults of motion pictures which have as their dominant or primary theme matters depicting, describing or relating to specified sexual activities.

4. Adult motel or hotel is a place where motion pictures are shown in rooms designed primarily for lodging, which said motion pictures have as their dominant or primary theme matters depicting, describing or relating to specified sexual activities.

5. Department is the Police Department of the City of Riviera Beach.

6. Interested party is any person, partnership or corporation which is an applicant for a license or who is an employee of an applicant for a license, any person who is a partner in a partnership which is an applicant for a license and any person, partnership or corporation which is an officer, director or principal stockholder of a corporation which is an applicant for a license.

7. License shall mean a regulatory license under the provisions of this chapter for the operation of an adult bookstore or a regulatory license for the operation of an adult motion picture theater or a regulatory license for the operation of an adult motel or hotel.

8. Principal stockholder is any person, partnership or corporation which owns or controls legally or beneficially twenty-five (25%) percent or more of a corporation's outstanding stock. In addition, if a principal stockholder of a corporation (referred to herein as corporation A is another corporation (referred to herein as corporation B), the officers, directors and principal stockholders of corporation B shall be considered principal stockholders of corporation A. If a corporation is registered with the Federal Securities Exchange Commission or is registered pursuant to Chapter 517 of Florida Statutes, and the corporation's stock is for sale to the general public, such corporation shall be considered not to have any principal stockholders.

9. Specified criminal act is any felony or soliciting for prostitution, pandering, prostitution, keeping a house of ill fame, lewd and lascivious behavior, exposing minors to harmful materials, distributing obscene materials, possession of obscene materials, transporting obscene materials, or sale or possession of a controlled substance or narcotic.

10. Specified sexual activities are any one or more of the following:

(a) Depiction of human genitals in a state of sexual stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse, sodomy, masochism, sadism, or sadomasochism.

(c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Sec. 2A.3 Regulatory license required; application investigation required; contents of application; fee

An annual regulatory license shall be required for each adult bookstore, each adult motion picture theater and each adult motel and hotel. No license shall be issued until an application is made to the department which shall cause an investigation to be made to determine whether the applicant has complied with this chapter and all other requirements of this Code and of the Florida Statutes. Each application must be accompanied by a fee of two hundred fifty (\$250.00) dollars to cover the cost of investigation and administration. Each application must be sworn to and state the name, address and age of the applicant, or if a partnership, the names addresses and ages of the persons who constitute such partnership, or if a corporation, the names, addresses and ages of its directors, officers and principal stockholders. Each application must also include the names, addresses and ages of all present employees of the adult bookstore or the adult motion picture theater or adult motel or hotel or if there are no employees, a statement to that effect. A statement as to whether any interested party of the applicant has been convicted within ten (10) years of the date of application of any specified criminal act and if so, the name of such interested party, the date and place of conviction and the nature of the crime for which the interested party was convicted. Licenses issued pursuant to this chapter shall be in addition to and not in lieu of any occupational licenses or other licenses or permits required under this Code.

Sec. 2A.4. License not to be issued without specific authorization following conviction for certain crimes

The department shall not grant without an authorization from the City Council a license or renewal of a license to operate an adult bookstore, an adult motion picture theater or adult motel or hotel to any applicant if an interested party thereof has been convicted of a specified criminal act and such conviction is final and not on appeal within ten (10) years of the date of application. The term "conviction" shall include an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond upon a charge of crime.

Sec. 2A.5 License not to be issued without specific authorization to certain persons, etc., after revocation.

The department shall not grant without specific authorization from the City Council a license to operate an adult bookstore, an adult motion picture theater, or adult motel or hotel to a person if such person was the licensee, or was an employee of the licensee, or was a partner in a partnership which was the licensee, or was an officer, director or principal stockholder of a corporation which was the licensee of an adult bookstore, an adult motion picture theater or adult motel or hotel at the time such license was revoked under the provisions hereof. The department shall not grant without specific authorization from City Council a license to operate an adult bookstore, an adult motion picture theater or adult motel or hotel to a partnership if any partner thereof was a licensee, or was an employee of a licensee, or was a partner on a partnership which was the licensee, or was an officer, director or principal stockholder of a corporation which was the licensee of an adult bookstore, an adult motion picture theater or adult motel or hotel at the time such license was revoked under the provisions hereof. The department shall not grant without specific authorization from the City Council a license to operate an adult bookstore, an adult motion picture theater or adult motel or hotel to a corporation if any officer, director or principal stockholder thereof was a licensee, or was an employee of a licensee, or was a partner in a partnership which was the licensee, or was an officer, director of an adult bookstore, an adult motion picture theater or adult motel or hotel at the time such license was revoked under the provisions hereof.

Sec. 2A.6. Issuance of license; term; renewal

If the department determines that the applicant is eligible for the issuance of a license, a regulatory license shall be issued for the fiscal year beginning October first and ending September thirtieth, or a fraction thereof. A license shall be renewed upon the approval of the department after an application for renewal has been duly submitted together with a renewal application fee of one hundred (\$100.00) dollars. In order for the department to grant a renewal, the application for renewal and the investigation thereon must show that the applicant is eligible under the provisions hereof for the issuance of a license.

Sec. 2A.7. Appeal from denial of license

If the department determines that it may not issue a license to the applicant under the provisions of this chapter, the department shall notify the applicant of the department's intention to deny the license. Such notice shall include a copy of this ordinance and the reason for the denial of the license. The applicant shall have the right to appeal the denial of the license to the City Council by filing with the City Clerk a notice of appeal within ten (10) days of receipt by applicant of notice of intent to deny. The City Council within fifteen (15) days of such appeal, shall hold a public hearing to determine whether issuance or renewal of the license would be detrimental to the public health, morals, safety and welfare. If the City Council determines that the issuance of the license would not be detrimental to the public health, morals, safety and welfare, City Council shall specifically authorize the department to issue a license to the applicant and the department shall issue such license forthwith. If the City Council determines that the issuance of the license would be detrimental to the public health, morals, safety and welfare, the City Council shall notify the applicant and the department shall not issue such license.

Sec. 2A.8. Authority to revoke licenses; grounds for revocation

The City Council, by majority vote of those present, after a hearing as hereinafter provided, is hereby authorized to revoke

any license issued under the provisions of this chapter of any licensee under one or more of the following circumstances if the City Council makes an affirmative finding that the continued operation of the licensed premises would be detrimental to the public health, morals safety and welfare:

1. Licensee is convicted of a specified criminal act.
2. If the licensee is a partnership, if any partner thereof is convicted of a specified criminal act.
3. If the licensee is a corporation, if any officer, director or principal stockholder is convicted of a specified criminal act.
4. A nuisance as defined in Florida Statutes, Section 823.05 ( 1975) is maintained on the licensed premises.
5. Licensee or any employee of licensee engages in or permits on the licensed premises disorderly or indecent conduct as defined by those portions of the Florida Statutes held constitutional by applicable case law.
6. Licensee fails to comply with the fire prevention ordinances of the City after reasonable notice shall have been given to the licensee to eliminate or correct any condition in violation of such ordinances on the licensed premises.
7. Licensee fails to comply with the provision of the health ordinance of the City of Riviera Beach, the County of Palm Beach or the State of Florida after reasonable notice shall have been given to the licensee to eliminate or correct any condition in violation of such ordinances on the licensed premises.
8. Licensee fails to comply with any provision of the city building code, the city electrical code, the city mechanical code or the city plumbing code after reasonable notice shall have been given to the licensee to eliminate or correct any condition in violation of such ordinances on the licensed premises.
9. Any employee of licensee has been convicted of a specified criminal act for act(s) committed by the employee on the licensed premises while employed by the licensee.
10. Licensee fails to comply with any provisions of this ordinance after reasonable notice shall have been given to the licensee to eliminate or correct any condition in violation of such ordinance on the licensed premises.
11. Licensee fails to comply with provisions of Florida Statutes and this Code concerning licensing of operators of moving picture machines after reasonable notice shall have been given to comply with such provisions.

Sec. 2A.9. Notice and hearing concerning license revocation

Whenever the City Council shall find any of the conditions enumerated herein to exist, it shall notify the licensee that City Council shall hold a public hearing to determine whether the continued operation of the licensed premises is detrimental to the public health, morals, safety and welfare. Such hearing is to be

held at a time and place to be specified in the notice and at a time not less than ten (10) days from the date of service of the notice. Such notice shall also list with specificity the acts or occurrence concerning which the hearing will be held.

Sec. 2A. 10. Completely enclosed or screened area required

Each adult bookstore, adult motion picture theater, adult motel or hotel shall be completely enclosed or screened to prevent any viewing of the interior reserved for patrons from the exterior area of such interior area.

Sec. 2A. 11. Adult motion picture booths

Each adult motion picture booth shall have a rectangular-shaped entrance way of not less than two feet wide and six feet high. There shall be no door, curtain or other obstruction blocking or closing off any part of or all of such entrance way at any time.

Sec. 2A. 12. Distance requirements

No adult bookstore, adult motion picture theater, adult motel or hotel shall be located within a one (1) mile radius, property line to property line, of any other of the aforementioned establishments or within one thousand (1,000) feet, property line to property line, of any establishment selling beer or intoxicating liquor for consumption on the premises; hotels; or motels; public lodging houses; churches; schools; kindergartens; pawnshops; pool or billiard halls, or property zoned "R-1," "R-1A," "R-1AA," "R-1B", "R-2," or "R-C-U-P" Chapter 23, City Code.

Sec. 2A. 13. Operating adult bookstore, adult motion picture theater or adult motel or hotel illegal without license

It shall be unlawful for any person, partnership, corporation or any other entity to operate an adult bookstore, adult motion picture theater or adult motel or hotel within the City of Riviera Beach unless such adult bookstore, adult motion picture theater or adult motel or hotel shall have a currently valid regulatory license therefor.

Sec. 2A. 14. Penalty

Any person, partnership or corporation violating any of the provisions of this Ordinance, shall upon conviction, be subject to the Provisions of the Uniform Penalty Ordinance, Ordinance No. 1123, enacted on October 6, 1976.

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

SECTION 3. Specific authority is hereby granted to codify this Ordinance.

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

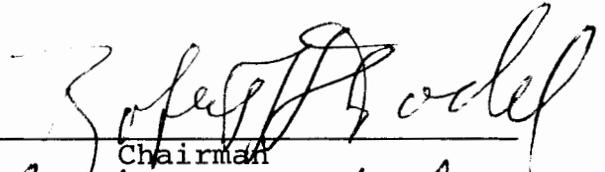
PASSED AND APPROVED on first reading this 20<sup>th</sup> day of July, 1977.

PASSED AND ADOPTED on second and final reading this 19<sup>th</sup> day of August, 1977.

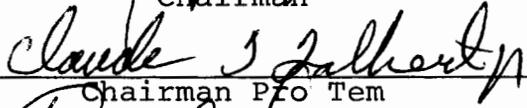
APPROVED:



Mayor



Chairman

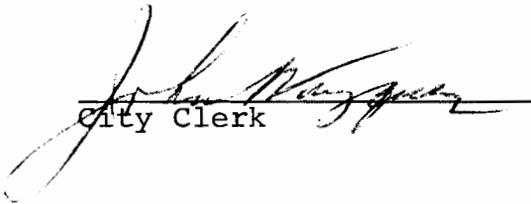


Chairman Pro Tem

ATTEST:



Council Members

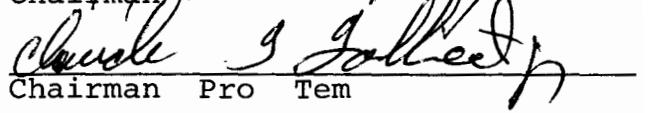


City Clerk

APPROVED:

  
Mayor

( MUNICIPAL SEAL )

  
Chairman  
  
Chairman Pro Tem

  
City Clerk

