

**ORDINANCE NO. 4161**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF RIVIERA BEACH, FLORIDA, PROVIDING FOR AMENDMENTS TO CHAPTER 10, ARTICLE IV OF THE RIVIERA BEACH CODE OF ORDINANCES (ORDINANCE NO. 2480) ENTITLED SPECIAL EVENTS, PUBLIC FAIRS, PARADES, EXPOSITIONS, CIRCUSES, CARNIVALS AND EXHIBITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERALBILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article IV, City Ordinance Number 2480, entitled “Special Events, Public Fairs, Parades, Expositions, Circuses, Carnivals and Exhibitions” was last codified December 20, 1989; and

**WHEREAS**, there exists a need to provide an amended ordinance that governs current special event permitting procedures; and

**WHEREAS**, the City council finds it in the best interest of the public and City staff to implement an ordinance that will provide for an efficient and effective policy for the special event permitting process.

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

Article IV. - Special Events, ~~Public Fairs, Parades, Expositions, Circuses, Carnivals and Exhibitions~~

**SECTION 1. Section 10-91 of the Riviera Beach Code of Ordinances is hereby amended to read as follows:**

Sec. 10-91. - Definitions.

As used in this ordinance the term:

*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.~~

*Approval* means a process of meeting the requirements of this ordinance and other guidelines set forth by the Special Events Policies and Procedures Manual as outlined providing for the health, safety and well-being of the citizens of Riviera Beach.

*City* means the jurisdiction and boundaries of the City of Riviera Beach.

*City manager* means the chief executive official of the City responsible to the council.

*Council* means the elected governing body of the City.

*Vendors* means every person, entity or organization engaged in the business of ~~circuses, traveling shows, exhibitions~~ special events and concessions involved in sales of merchandise, food, services or trade of any kind. Vendors include all organizations, individuals and entities whether profit or nonprofit.

~~*Event* means any activity which occurs in the City of Riviera Beach involving the open participation, attendance and involvement of persons and which is not normal to any licensed or regular routine business or private activities. This includes, but is not limited to, special events, public fairs, parades, expositions, circuses, carnivals and exhibitions. Any business activity which by such conduct may create infringement or impacts upon adjacent businesses or properties or excessive demands and uses of services of the City may be declared an "event" subject to the requirements of this ordinance. Residential yard or garage sales are not considered "events" for purposes of this ordinance.~~

*Special Event* means any parade, fair, show, festival, carnival, party, motorcade, run, street dance, bike-a-thon, race, walks, athletic event or other attended entertainment or

celebration that is to be held in whole or in part upon publicly owned property and/or public right-of-way, or any such entertainment or celebration, if held wholly upon private property, that will nevertheless affect or impact the quality-of-life, ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the event. Any business activity that by such conduct may create infringement or impacts upon adjacent businesses or properties or excessive demands and uses of services of the City may be declared an "event" subject to the requirements of this ordinance. The term "special event" shall also mean any activity to be held in whole or in part upon publicly owned or controlled property and/or public rights-of-way where merchandise or services are offered for sale, whether by for profit or nonprofit organizations. Residential yard or garage sales are not considered "events" for purposes of this ordinance.

*Special Event Policies and Procedures Manual* is a publication issued by the City of Riviera Beach entitled "Special Event Policies & Procedures Manual" for which sets forth procedures for the application process and City requirements for Special Events. The City Manager or designee may amend this booklet from time-to-time.

**SECTION 2. Section 10-111 of the Riviera Beach Code of Ordinances is hereby amended to read as follows:**

Sec. 10-111. - Permit From City Required.

No special event, as defined by Section 10-91, of this ordinance, may be conducted in the City without a permit. ~~Such permit shall be issued in the following manner:~~ Permits shall be issued upon approval of a Special Events Permit Application Form.

~~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 3. Section 10-112 of the Riviera Beach Code of Ordinances is hereby amended to read as follows:**

Sec. 10-112. - 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 or cause to be erected any temporary structure without obtaining a permit. No event will take place in the City without a permit. The application will be in writing outlining the following information:~~

- ~~(1) — Dates of the event.~~
- ~~(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 locations.~~
- ~~(10) — Trash receptacles and locations.~~

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- (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. ~~Cleanup and damage bond.~~
- A. Any person, business, or organization seeking to conduct a Special Event in the City shall submit an application with appropriate fees. A fee shall be charged for events, which are canceled.
- B. All information solicited on the special event permit application form must be provided by the applicant. Incomplete information will result in denial of the permit application.
- C. The City Manager or designee reserves the right to waive application filing deadlines on a case-by-case basis. A priority/rush fee shall be applied.
- D. All fees provided for in this Ordinance shall be adopted by resolution of the City Council.

**SECTION 4. Section 10-113 of the Riviera Beach Code of Ordinances is hereby amended to read as follows:**

Sec. 10-113. ~~Public liability insurance required. (a) Amount; types of coverage.~~ 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 \$1,000,000.00 combined single limit (CSL) for injuries to any 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.~~

~~(b) — *Duration of coverage.* The required policy(ies) shall be in force and effect at the time such property and 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.~~

~~(c) — *Cancellation, change in policy; notification.* 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 with ten days' written notice of any cancellation and/or change in the policy.~~

~~(d) — *Denial or cancellation of permit.* Any applicant for a permit or permit holder for an event without the specified insurance coverages and limits as required will be denied a permit or will have the permit cancelled if one was issued.~~

Standards for Issuance of Permit.-A Special Event permit shall be issued unless:

- a. The application is not complete in all material respects and all information contained therein is not accurate;
- b. All of the conditions set forth herein, and all contractual requirements imposed by the City, if any, have not been or will not be met;
- c. The Special Event will interfere with or unduly burden the City's provision of municipal services to the community including, but not limited to, police, fire and

emergency medical services, water and sanitary sewer service, and solid waste removal;

d. The City Manager, in her/her sole discretion refuses issuance of or denies any permit in matters where there is a risk to public health, safety and welfare, to include but not limited to: a public health crisis, a severe weather event, and other matters as determined by the City Manager.

e. The appropriate fees have not been paid in full.

**SECTION 5. Section 10-114 of the Riviera Beach Code of Ordinances is hereby amended to read as follows:**

Sec. 10-114. - ~~Cash or surety bond.~~ Conditions for Permit.

~~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 \$5,000.00, conditional upon saving the City harmless 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.~~

All Special Event permit applications approved pursuant to this Ordinance shall be subject to the following conditions:

a. The public area utilized shall be cleaned up following any Special Event and in all respects restored to its previous condition. A refundable security bond, or similar

financial pledge, may be required in amount to be determined by the City Manager or designee, to ensure that any damage is repaired and the premises returned to its previous condition.

- b. The use or construction of platforms, chairs or other equipment may be prohibited or restricted by the City Manager or designee, if such would result in permanent damage to City property or constitute a hazard to public safety.
- c. A detailed site plan shall be submitted showing the locations of any tents, port-o-lets, parking lots, stages, booths, and the like, and the time periods for set up and break down of the event. This plan shall be subject to review and approval by City staff.
- d. Indemnification and insurance, listing the City as an additional insured, shall be provided as required by the City.
- e. The need for City personnel at the Special Event will be determined by the City Manager or designee.

**SECTION 5. Section 10-115 of the Riviera Beach Code of Ordinances is hereby amended to read as follows:**

Sec. 10-115. - ~~Fire department approval.~~ Departmental Approval of Special Event Applications.

~~The chief of the fire department or his designated representative will determine applicant requirements for a permit for the requested event. These requirements will include but not be limited to necessary precautions to provide for health, safety and welfare of citizens:~~

- ~~(1) Location of structure.~~
- ~~(2) Maximum attendance.~~



~~(3) — Equipment needed such as fire extinguisher or other equipment deemed necessary for fire protection.~~

~~(4) — Deposits for any required City fire department services.~~

~~(5) — Adequate aisles, seats and platform poles.~~

~~(6) — Lighted and unobstructed passage ways.~~

~~(7) — Rescue and ambulance service, first aid station.~~

~~(8) — Sufficient No Smoking and Exit signs.~~

~~(9) — Proper safeguarding of any use of flame or flammable materials and cleanup of any straw, dry grass or combustible trash from the structure or assembly areas.~~

~~(10) — Review of any and all procedures plus any policies of applicant relative to the event.~~

~~(11) — Inspection of any materials, canvas parts or other materials used in any event for structure, displays, floats or exhibitions.~~

A Special Event Committee will be appointed by the City manager to conduct departmental reviews of all Special Event applications for uniformity and consistency with City codes, and the special events policies and procedures manual. The Committee will consist of Police, Fire, Public Works, Parks and Recreation, and Development Services Department personnel.

**SECTION 6. Section 10-116 of the Riviera Beach Code of Ordinances is hereby deleted in its entirety.**

~~Sec. 10-116. — Police department approval.~~

~~All permits must be approved by the chief of police or designated representative. The police department will determine the following impacts or requirements:~~

~~(1) — Traffic impacts on the City.~~

~~(2) — Increased police personnel demands.~~

~~(3) — Security requirements for the event.~~

~~(4) — Crowd control requirements.~~

~~(5) — Any other requirements deemed necessary for the safety, health, welfare and good order of the City and its citizens.~~

**SECTION 7. Section 10-117 of the Riviera Beach Code of Ordinances is hereby deleted in its entirety.**

~~Sec. 10-117. — Public works department review.~~

~~The director of public works will review all applications for special events determining the following impacts or needs:~~

~~(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 8. Section 10-118 of the Riviera Beach Code of Ordinances is hereby deleted in its entirety.**

~~Sec. 10-118. — Department of parks and recreation review.~~

~~Any application requesting use of a City park or property will be reviewed by the director of parks and recreation or a designated representative for any impact or requirements.~~

**SECTION 9.** Section 10-119 of the Riviera Beach Code of Ordinances is hereby deleted in its entirety.

~~Sec. 10-119. The community development department.~~

~~(a) *Building division.* The building division will conduct any inspections and adopt rules and regulations under the authority of the building official. Any structures to be erected or used in connection with any event shall be inspected and approved by the building official or a designated representative.~~

~~(b) *State inspector.* Amusement devices and temporary structures must be inspected [for compliance with] state safety standards for operation of same by a state inspector prior to operation and issuance of permit.~~

~~(c) *Code enforcement division.* The code enforcement division will conduct any inspection or investigation to assure the protection of public health and promotion of safety and welfare.~~

~~(1) 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 with this order will result in police action.~~

~~(2) The code enforcement division shall issue the permit after approval by City council and compliance with the requirements of this ordinance.~~

**SECTION 10.** Section 10-120 of the Riviera Beach Code of Ordinances is hereby amended to read as follows:

Sec. 10-120. - ~~License fees and other fees.~~ Special Event Vendor Requirements.

All vendors not licensed by the City will be required to be licensed before conducting business in this City. License fees shall be paid to the occupational license section pursuant to Ordinance No. 2088, which is not codified in the present code but is on file in the City Clerk's

Office. Any permitted event can require registration fees to vendors, participants and exhibitors collected by the applicant. Any person not registered ~~would~~ shall be considered a trespasser and subject to trespassing laws and codes.

**SECTION 11. Section 10-121 of the Riviera Beach Code of Ordinances is hereby deleted in its entirety:**

~~Sec. 10-121. Mobile, itinerant and street vendors within one 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 nonprofit. Failure to pay registration fees will result in a license fee of \$500.00 per day.~~

**SECTION 12. Section 10-122 of the Riviera Beach Code of Ordinances is hereby amended to read as follows:**

~~Sec. 10-122. - Revocation of permit.~~ Right to Deny Issuance, Revocation, and Right of Appeal.

A. The permit may be revoked if the City building official or designated representative determines any structure of applicant's being used for permit location or premises where the event is to be held, is being operated or maintained in violation of this Code or other ordinances and laws of the state, county 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. ~~(c) Any person whose permit has been revoked may appeal to this City's code enforcement board within five 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 days, then action of the building official or City representative will be final. The City may refuse to issue, reissue or may revoke any Special Event permit, which violates any portion of this code or other City codes. An applicant whose special event permit has been denied or revoked may, within fourteen (14) calendar days of the denial or revocation, file a written appeal of the denial or revocation, along with appropriate fee, to the City Manager or designee for review.

**Section 13. Section 10-123 of the Riviera Beach Code of Ordinances is hereby amended to read as follows:**

Sec. 10-123. - City of Riviera Beach Community Redevelopment Agency Special Events.

The City of Riviera Beach Community Redevelopment Agency shall retain the right to apply any element contained in this ordinance, in whole or in part, to its special events policies and procedures.

**Section 14. SEVERABILITY.** If any section, subsection, sentence, clause, phrase or provision of this Ordinance, or its application, to any person or circumstance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 15. CODIFICATION.** That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Riviera Beach, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

**SECTION 16. REPEAL OF LAWS IN CONFLICT.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 17.**      **EFFECTIVE DATE.**      This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED and APPROVED** on first reading this \_\_\_day of\_\_\_\_\_, 2021.

**PASSED and ADOPTED** on second and final reading this \_\_\_day of\_\_\_\_\_, 2021.

**APPROVED:**

\_\_\_\_\_  
**RONNIE L. FELDER**  
**MAYOR**

\_\_\_\_\_  
**JULIA BOTEL, Ed.D**  
**CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**DOUGLAS A. LAWSON**  
**CHAIR PRO -TEM**

\_\_\_\_\_  
**CLAUDENE L. ANTHONY, CMC**  
**CITY CLERK**

\_\_\_\_\_  
**TRADRICK MCCOY**  
**COUNCIL MEMBER**

\_\_\_\_\_  
**KASHAMBA MILLER-ANDERSON**  
**COUNCIL MEMBER**

\_\_\_\_\_  
**SHIRLEY D. LANIER**  
**COUNCIL MEMBER**

**1<sup>ST</sup> READING**

**2<sup>ND</sup> & FINAL READING**

**MOTIONED BY:** \_\_\_\_\_

**MOTIONED BY:** \_\_\_\_\_

**SECONDED BY:** \_\_\_\_\_

**SECONDED BY:** \_\_\_\_\_

**T. MCCOY** \_\_\_\_\_

**T. MCCOY** \_\_\_\_\_

**K. MILLER-ANDERSON** \_\_\_\_\_

**K. MILLER-ANDERSON** \_\_\_\_\_

**S. LANIER** \_\_\_\_\_

**S. LANIER** \_\_\_\_\_

**J. BOTEL** \_\_\_\_\_

**J. BOTEL** \_\_\_\_\_

**D. LAWSON** \_\_\_\_\_

**D. LAWSON** \_\_\_\_\_

Reviewed as to Form and Legal Sufficiency:

\_\_\_\_\_  
**DAWN S. WYNN**  
**CITY ATTORNEY**

**DATE:** \_\_\_\_\_