

ORDINANCE NO. 4161

AN ORDINANCE OF THE CITY COUNCIL OF 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

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.

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 mean every person, entity or organization engaged in the business of 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.

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 means 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. Permits shall be issued upon approval of a Special Events Permit Application Form.

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.

- 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.

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 his/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. Conditions for Permit.

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 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 an 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 6. Section 10-115 of the Riviera Beach Code of Ordinances is hereby amended to read as follows:

Sec. 10-115. - Departmental Approval of Special Event Applications.

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

Sec. 10-120. - Special Event Vendor Requirements.

All vendors not licensed by the City will be required to be licensed before conducting business in the 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 may require registration fees to vendors, participants and exhibitors collected by the applicant. Any person not registered shall be considered a trespasser and subject to trespassing laws and codes.

SECTION 8. Section 10-122 of the Riviera Beach Code of Ordinances is hereby amended to read as follows:

Sec. 10-122. - 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.
- B. It shall be unlawful for any person to cause or permit use of such structure after revocation of permit.
- C. 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 9. 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 10. 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 11. 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 12. REPEAL OF LAWS IN CONFLICT. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 13. 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

1ST READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

2ND & FINAL READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

Reviewed as to Form and Legal Sufficiency:

DAWN S. WYNN
CITY ATTORNEY

DATE: _____