

Ordinance Number 4322

An Ordinance of the City Council of the City of Riviera Beach, Florida, amending Chapter 11 of the City's Code of Ordinances entitled, "Nuisances," Article IV, "Noise," by repealing Article IV in its entirety and adopting a new Article IV, entitled "Sound," to revise and consolidate the City's sound and noise regulations, including standards for outdoor sound amplification devices, certified outdoor venues, enclosed places of public entertainment, and exterior sound levels by zoning district; providing for definitions; providing for outdoor venue approval criteria; providing for enforcement; providing for codification; providing for severability; providing for conflicts; and providing for an effective date.

Whereas, the City of Riviera Beach is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

Whereas, the City Council has adopted regulations in Article IV of Chapter 11 of the City Code of Ordinances (the "Code") pertaining to noise; and

Whereas, the City Council finds that updating and consolidating the City's sound regulations, including the adoption of objective, measurable decibel standards by sound zone, is necessary and appropriate to further the public's health, safety, and general welfare; and

Whereas, the City Council finds that establishing clear standards and an approval process for certified outdoor venues will allow for appropriate outdoor entertainment uses while protecting surrounding properties from excessive sound; and

Whereas, the City Council finds that the regulations adopted herein are intended to be, and are, content neutral in their application throughout the City; and

Whereas, the City Council determines that the adoption of this Ordinance is a valid exercise of the City's police powers and is in the interests of the public health, safety, and welfare.

Now, therefore, be it ordained by the City Council of the City of Riviera Beach, Florida as follows:

Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.

Section 2. Article IV, "Noise," of Chapter 11, "Nuisances," of the City Code of Ordinances is hereby repealed in its entirety, and a new Article IV, entitled "Sound," is hereby adopted to read as follows (this Ordinance is presented in final, clean form):

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Chapter 11
NUISANCES

ARTICLE IV. SOUND

DIVISION 1. GENERALLY

Sec. 11-141. Definitions.

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

A-weighted sound level means the total sound level of all sound measured with a sound level meter with reference to a pressure of 20 micropascals using the A-weighting network (scale) and slow time response. The unit of measurement is the A-weighted dBA.

Ambient noise means the all-encompassing sound associated with a given environment, being usually a composite of sounds from all sources, excluding the alleged offensive sound, at the location and approximate time at which a comparison with the alleged offensive sound is to be made.

Bel means a unit of sound power level when the base of the logarithm is ten. Use of the bel is restricted to levels of quantities proportional to power.

Certified outdoor venue means a property that has been approved by the City Council for an exception to the sound regulations regarding hours of operation and frequency of events and has met all of the requirements of Section 11-148, and, if applicable, the conditions of a development approval.

Decibel (dB) means one-tenth of a bel and is a unit of sound level when the base of the logarithm is the ten root of tenth, and the quantities concerned are proportional to pressure.

Emergency work means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

Fixed sound source means a stationary device which creates sounds while fixed or motionless, including, but not limited to, residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

Mechanical equipment means implements and tools produced or operated by a machine, that are used to provide energy, light, heat, air or broadcast telecommunication services to a building, structure and/or property. This includes, but is not limited to, air-conditioning units, pool equipment, satellite dishes, gas tanks (aboveground only), solar panels, antennas and generators.

Microbar means a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

77 *Mobile sound source* means any sound source other than a fixed sound source.

78 *Sound zone* means that area designated as residential, commercial, mixed use or industrial
79 on the official city zoning map. For the purpose of sound zones, public institutional and
80 quasi-public institutional properties are designated as residential sound zones.

81 *Period of a periodic quantity* means the smallest increment of time for which the function
82 repeats itself.

83 *Periodic quantity* means an oscillating quantity, the values of which recur for equal
84 increments of time.

85 *Sound amplification device* means a machine, equipment or device used to expand, or
86 make sound greater or louder.

87 *Sound level meter* means an instrument including a microphone, an amplifier, an output
88 display and frequency weighting and time averaging networks for the measurement of
89 sound and sound levels in a specified manner.

90 *Sound pressure level*, in decibels of sound, means 20 times the logarithm to the base ten of
91 the ratio of the pressure of this sound to the reference pressure, which reference pressure
92 must be explicitly stated.

93 **Sec. 11-142. *Sound disturbances prohibited.***

94 It shall be unlawful for persons to make, continue or cause to be made, any excessive,
95 unnecessary or unusually loud sound, which annoys, disturbs, injures or endangers the
96 comfort, repose, health, peace or safety of reasonable persons of normal sensibilities,
97 within the city limits, as prohibited in this article.

98 **Sec. 11-143. *Loud and unnecessary sounds.***

99 The acts enumerated in this article, among others, are declared to be loud, disturbing and
100 unnecessary sounds which create a public nuisance, and which constitute a violation of this
101 article. Such enumeration shall not be deemed to be exclusive.

102 The provisions of this article shall not apply to emergency work necessary to protect life,
103 property, or public safety.

104 **Sec. 11-144. *Horns, signaling devices, etc.***

105 It is unlawful to sound any horn or signaling device on any automobile, motorcycle, truck,
106 or other vehicle on any street or public place of the city, or on private property, if the sound
107 exceeds the standards established herein as measured from any private property or public
108 place which is adjacent thereto, except as a danger warning, which creates any
109 unreasonably loud or harsh sound for an unnecessary and unreasonable period of time,
110 including the use of any signaling device, except one operated by engine exhaust, and the
111 use of any such signaling device when traffic is for any reason held up.

112 **Sec. 11-145. *Railroad train whistle and horn sound pollution.***

- 113 (a) It shall be unlawful and a public nuisance for any person operating a railroad train
114 to blow or activate or permit to be blown or activated any horn or whistle from the
115 railroad train in advance of signalized public grade crossings after 10:00 p.m. and
116 before 6:00 a.m. on any day, when the railroad train is within the city.
- 117 (b) The provisions of this section shall be applicable only to public at-grade railroad
118 crossings which are equipped with operating train-activated automatic traffic
119 control devices, which shall include flashing lights, bells and crossing gates on both
120 sides of the railroad train track.
- 121 (c) Each day or portion thereof of continuing violation shall be deemed a separate
122 violation of this section.
- 123 (d) As a prerequisite to the enforcement of this section, signs shall be erected at the
124 crossings involved announcing that the railroad train horns and whistles will not be
125 sounded during the aforesaid hours.

126 **Sec. 11-146. *Operation of indoor sound amplification devices.***

127 It is unlawful to use, operate or permit to be played, used or operated any indoor or in-
128 vehicle sound amplification device for the producing or reproducing of sound in such
129 manner as to disturb the peace, quiet and comfort of the neighboring inhabitants,
130 pedestrians, or operators of vehicles with sound emanating therefrom which is louder in
131 volume than is necessary for convenient hearing for the person who is in the room, vehicle
132 or chamber in which such machine or device is operated. The operation of any such sound
133 amplification device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to
134 be plainly audible at a distance of 50 feet from a pedestrian, room, building, structure or
135 vehicle in which said machine or device is being operated shall be prima facie evidence of
136 a violation of this section.

137 **Sec. 11-147. *Outdoor sound.***

- 138 (a) It is unlawful to create outdoor sound or to use, operate or permit to be played,
139 used, or operated any outdoor sound amplification device for the production or
140 reproduction of sound between the hours of 11:00 p.m. and 7:00 a.m. which exceed
141 the levels established in Table 1, or if an approved and certified outdoor venue, the
142 levels established in Table 2.
- 143 (b) All outdoor sounds including those emanating from an outdoor amplification
144 device in any sound zone or within the public right-of-way shall be limited in
145 volume so as not to exceed the regulations established herein.
- 146 (c) Outdoor sound amplification devices associated with properties which have been
147 approved and certified as an outdoor venue shall not exceed the sound volumes or
148 the hours of operation as established in Table 2 unless they have obtained special
149 permits pursuant to chapter 10, article IV entitled "Special Events."

150 **Sec. 11-148. *Outdoor venue.***

151 An outdoor venue may be approved to have the standards in Table 2 applied for the use of
152 sound amplification devices used as part of an outdoor venue and may be operated an
153 additional hour until 12:00 a.m., provided all of the following are met:

154 (1) Exterior sound standards of section 11-172, Table 2.

155 (2) The City Council has approved a site plan which identifies the location and details
156 of all sound amplification devices within a property intended to be an outdoor
157 venue. The plan shall illustrate the means and methods the property owner will
158 implement to minimize the projection of sound beyond the outdoor venue's upland
159 property lines to the upland property line of adjacent properties.

160 (3) Details and specifications of any proposed sound amplification device which
161 demonstrates that the sound is being transmitted through a professional sound
162 system.

163 (4) The use of a professional sound system to control sound amplification with an
164 automatic sound limiter and tamper-resistant volume control limiter. The volume
165 shall be set and locked at and below the maximum permitted decibel level for the
166 property at its upland property line. The sound levels from the outdoor venue shall
167 not exceed the decibel levels established for the zoning district in which the
168 outdoor venue is located, and the decibel levels established at the property line for
169 properties located in adjacent zoning districts. The City shall be provided with the
170 sound data report from the automatic sound limiter and access to the sound system
171 upon request. The failure to provide the City with the sound data, or the refusal to
172 provide the City with access to the data from the automatic sound limiter shall be
173 an irreparable violation of this section.

174 (5) The installation of such sound attenuation at an adequate height, length and density
175 such as perimeter walls, berming or other barriers around the perimeter of the
176 outdoor venue as necessary to ensure that the sound standards herein are met.

177 (6) Property owners who have an approved and certified outdoor venue shall submit an
178 annual event program schedule to the City by October 1 of each year identifying
179 the events for the following calendar year, and designate which events, if any are
180 recurring events and those which require a separate special permit. The annual
181 event program schedule shall be subject to the City Council's review and approval
182 regarding the frequency of the events proposed and to ensure the public's safety at
183 the outdoor venue.

184 (7) Repeated violations of this article or failure to comply with any condition of
185 approval may result in suspension or revocation of Certified Outdoor Venue status
186 after notice and an opportunity to be heard before the City Council.

187 (8) Revocation shall not preclude the City from pursuing any other remedy authorized
188 by law.

189 **Sec. 11-149. Yelling, shouting, etc.**

190 It is unlawful to yell, shout, hoot, whistle, or sing on the public streets, particularly
191 between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or

192 disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or
193 other type of residence or of any persons in the vicinity.

194 **Sec. 11-150. *Animals and birds.***

195 It is unlawful for any person to own, possess or harbor any animal or bird which creates
196 frequent or sustained sounds, such as howling, barking, meowing, or squawking so as to
197 disturb neighboring residents.

198 **Sec. 11-151. *Tire screeching.***

199 The intentional and/or repeated creation of a noise disturbance through the acceleration,
200 turning, or stopping of any motor vehicle is prohibited.

201 **Sec. 11-152. *Exhausts.***

202 The discharge into the open air of the exhaust of any steam engine, stationary internal
203 combustion engine, motorboat, or motor vehicle, except through a muffler or other device
204 which will effectively prevent loud or explosive noises therefrom, is prohibited.

205 **Sec. 11-153. *Defect in vehicle or load.***

206 The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in any
207 other such manner as to create loud and unnecessary grating, grinding, rattling or other
208 noise or noise disturbance is prohibited.

209 **Sec. 11-154. *Loading, unloading, and unpacking.***

210 No person shall load, unload, pack or unpack or open crates, boxes or containers on any
211 vehicle as to create a noise disturbance across a residential noise zone between the hours of
212 10:00 p.m. and 7:00 a.m. This section shall not apply to holders of solid waste franchises
213 or to any solid waste collection.

214 **Sec. 11-155. *Construction or repairing of buildings.***

215 The erection (including excavation), demolition, alteration or repair of any building other
216 than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays (Monday through Friday),
217 and on Saturdays between the hours of 8:00 a.m. and 4:00 p.m., except in case of urgent
218 necessity in the interest of public health and safety, is prohibited without specific
219 permission from the city manager or his designee. Permission may be granted for a period
220 not to exceed three days while the emergency continues and may be renewed for periods of
221 three days or less while the emergency continues. If the city manager determines that the
222 public health and safety will not be impaired by the erection, demolition, alteration or
223 repair of any building or the excavation of streets and highways within the hours of 8:00
224 p.m. and 7:00 a.m., and if he determines that loss or inconvenience would result to any
225 party in interest, he may grant permission for such work to be done within the hours of
226 8:00 p.m. and 7:00 a.m. Application for such permission shall be made to the city manager
227 at the time the permit for the work is awarded or during the progress of the work.

228 **Sec. 11-156. *Schools, courts, churches, and hospitals.***

229 The creation of any excessive noise on any street adjacent to any school, institution of
230 learning, church or court while the same are in use, or adjacent to any hospital, which
231 unreasonably interferes with the workings of such institution, or which disturbs or unduly
232 annoys patients in the hospital, is prohibited. Conspicuous signs shall be displayed in such
233 streets indicating that it is a street in which there is a school, church, hospital or court.

234 **Sec. 11-157. *Hawkers; peddlers.***

235 (a) The shouting and crying of peddlers, hawkers and vendors which disturbs the peace
236 and quiet of the neighborhood is prohibited.

237 (b) The use of any drum or other instrument or device for the purpose of attracting
238 attention, by creation of noise, to any performance, show or sale is prohibited.

239 (c) However, the selling by shouting or outcry of merchandise, food, and beverages at
240 licensed sporting events, stadiums, parades, fairs, circuses, approved special events,
241 and other similar public entertainment events is permitted.

242 **Sec. 11-158. *Lawn maintenance equipment.***

243 The operation of lawn mowers, edgers, trimmers, chainsaws, and power-driven hedge
244 shears in a residential noise zone, or within 500 feet thereof, is prohibited between the
245 hours of 10:00 p.m. and 7:00 a.m.

246 **Sec. 11-159. *Power tools.***

247 No person shall operate within a residential noise zone, or within 500 feet thereof, any
248 power equipment, excluding construction equipment used for construction activities, such
249 as, but not limited to, chain saws, pavement breakers, log chippers, riding tractors, and
250 power hand tools, between the hours of 10:00 p.m. and 7:00 a.m. This section shall not
251 apply if the sound produced by such power equipment cannot be heard outside that
252 person's residence.

253 **Sec. 11-160. *Blowers, fans, or internal combustion engines.***

254 The operation of any noise-creating blower or power fan or any internal combustion
255 engine, the operation of which causes noise due to the explosion of operating gases or
256 fluids, is prohibited unless the noise from such blower or fan is muffled and such engine is
257 equipped with a muffler device sufficient to reduce such noise to meet the applicable noise
258 zone standards as set forth in section 11-172.

259 **Secs. 11-161—11-170. Reserved.**

260 **DIVISION 2. DECIBEL LEVELS**

261 **Sec. 11-171. *Enclosed places of public entertainment.***

262 (a) It shall be unlawful to sustain in any enclosed place of public entertainment
263 including, but not limited to, a restaurant, bar, cafe, club, nightclub, discotheque, or
264 dance hall, a sound decibel equal to or in excess of 95 dBA sustained for more than
265 30 seconds.

266 (b) Such sound shall be measured by a sound level meter approved by the American
267 National Standards Institute from any area to which the public is invited within any
268 enclosed place of public entertainment.

269 **Sec. 11-172. Exterior sound standards.**

270 (a) The following sound standards, as measured at a three-minute equivalent
271 continuous sound level (Leq), shall apply to all property with a designated sound
272 zone:

273 **Table 1. Allowable Exterior Sound Levels per Sound Zone**
274 **(Measured at a Three-Minute Leq)**

Zone	Daytime Leq (7:00 a.m. to 10:00 p.m.)	Nighttime Leq (10:00 p.m. to 7:00 a.m.)
Residential sound zone	55 dBA	45 dBA
Mixed use sound zone	60 dBA	50 dBA
Commercial sound zone	65 dBA	55 dBA
Industrial sound zone	70 dBA	60 dBA

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276 (b) It is unlawful for any person at any location within the incorporated area of the City
277 to create any sound, or to allow the creation of any sound, on property owned,
278 leased, occupied or otherwise controlled by such person or business, which causes
279 the sound level when measured on any other property line to exceed either of the
280 following:

281 (1) The sound levels listed in Table 1 or Table 2, based on the property's
282 designated sound zone, based on a three-minute, A-weighted Leq.

283 (2) A maximum A-weighted instantaneous sound level or peak measurement value
284 which is greater than or equal to the relevant sound standard by ten dBA for any
285 time period for sounds from mechanical equipment.

286 (c) If the sound measurement location is on a boundary between two different abutting
287 sound zones, the standard to be applied shall be the logarithmic dBA average of the
288 standards from the respective sound zones (see Table 3). The sound levels shall not
289 be averaged if the two sound zones are separated by another property, public or
290 private right-of-way or a waterway. If an acoustically effective intervening wall or
291 barrier exists between the sound source of concern and the sound-sensitive receiver,
292 the effects of the wall shall be considered. Otherwise, the sound measurements may
293 be conducted along the vertical plane of the property boundary or anywhere else on
294 the receiving property.

295 **Table 2. Allowable Exterior Sound Levels per Sound Zone for Outdoor Venues**
296 **Approved With Extended Hours**
297 **(Measured at a Three-Minute Leq)**

Zone	Daytime Leq (7:00 a.m. to 11:00 p.m.)	Transitional Nighttime Leq (11:00 p.m. to 12:00 a.m.)	Nighttime Leq (12:00 a.m. to 7:00 a.m.)
Residential sound zone	55 dBA	45 dBA	45 dBA
Mixed use sound zone (properties with residential)	60 dBA	50 dBA	50 dBA
Mixed use sound zone (properties without residential)	65 dBA	55 dBA	50 dBA
Commercial sound zone	65 dBA	55 dBA	50 dBA
Industrial sound zone	70 dBA	60 dBA	55 dBA

Table 3. Logarithmic Averages [Leq dBA]

Generating ↓ / Receiving →	45	50	55	60	65	70	75
45	45	48	52	57	62	67	72
50	48	50	53	57	62	67	72
55	52	53	55	58	62	67	72
60	57	57	58	60	63	67	72
65	62	62	62	63	65	68	72
70	67	67	67	67	68	70	73
75	72	72	72	72	72	73	75

(d) The operation of an outdoor sound amplification device in such a manner as to be plainly audible by a city police officer or code compliance officer who has been given permission by the property owner or tenant to enter in any residential dwelling unit (measured with the windows and doors closed) which is located 150 feet or more from the property line where said sound amplification device is being operated shall be prima facie evidence of a violation of this section.

(e) *Immediate compliance.* Whenever an authorized enforcement officer determines that sound exceeds the standards established by this section, the officer may direct the responsible person to immediately reduce or discontinue the sound. Failure to comply may result in issuance of a warning, Notice of Violation, civil citation, Notice to Appear, arrest when authorized by law, or any other enforcement authorized by this article.

Sec. 11-173. Enforcement authority.

(a) The Riviera Beach Police Department shall investigate and enforce the provisions of this article involving sound occurring on highways, streets, roads, sidewalks, public rights-of-way, parks, public recreation areas, public buildings, public property, and complaints of sound occurring on private property, except stationary mechanical equipment.

- 319 (b) The Building Official or his or her designee shall investigate and enforce
320 complaints involving stationary mechanical equipment, including air-conditioning
321 equipment, generators, compressors, pool equipment, and other fixed mechanical
322 sound sources.
- 323 (c) The Code Compliance Division may investigate and enforce the provisions of this
324 article in accordance with applicable law and may assist the Police Department or
325 Building Official when requested.
- 326 (d) Any sworn law enforcement officer of the Riviera Beach Police Department, Code
327 Compliance Officer, Building Official, or other City official authorized by law may
328 issue a civil citation, notice of violation, or other enforcement document authorized
329 by this Code for any violation of this article occurring within their respective
330 enforcement authority.
- 331 (e) Nothing contained herein shall limit the authority of any law enforcement officer to
332 issue a notice to appear, make an arrest when otherwise authorized by law, preserve
333 the public peace, protect public safety, or enforce any applicable state law,
334 municipal ordinance, or criminal statute.

335 **Sec. 11-174. *Enforcement procedure.***

- 336 (a) Whenever an authorized enforcement officer has reason to believe that a violation
337 of this article exists, the officer shall investigate the complaint and determine
338 whether the sound exceeds the standards established by this article.
- 339 (b) If a violation is determined to exist, the enforcement officer shall direct the
340 responsible person to immediately reduce or discontinue the sound so as to achieve
341 compliance with this article.
- 342 (c) If the responsible person promptly complies, the enforcement officer may conclude
343 the investigation with a verbal warning when appropriate under the circumstances.
- 344 (d) If the responsible person fails or refuses to comply within a reasonable time after
345 being directed to do so, the enforcement officer may:
- 346 (1) Issue a verbal or written warning;
- 347 (2) Issue a Notice of Violation;
- 348 (3) Issue a civil citation;
- 349 (4) Issue a Notice to Appear or arrest the responsible person when otherwise
350 authorized by law; or
- 351 (5) Initiate any other enforcement action authorized by this Code or Florida law.
- 352 (e) A reasonable time for compliance shall be determined by the enforcement officer
353 based upon the nature of the violation, the duration of the sound, the ability of the
354 responsible person to immediately reduce or discontinue the sound, prior
355 violations, and all surrounding circumstances.

- 356 (f) Failure to comply with a lawful direction of an enforcement officer issued pursuant
357 to this section shall constitute a continuing violation of this article.
- 358 (g) Nothing contained herein shall prohibit immediate enforcement where the violation
359 presents an immediate threat to public health, safety, or welfare or where voluntary
360 compliance is not reasonably achievable.

361 **Sec. 11-175. *Special construction permits.***

- 362 (a) An application for a permit for relief from the construction hour limitations
363 established in this article on the basis of undue hardship or public necessity may be
364 made to the City Manager or the City Manager's designee. Any permit granted
365 pursuant to this section shall specify the conditions under which it is granted,
366 including the authorized hours of operation, duration, and any measures necessary
367 to minimize impacts to surrounding properties.
- 368 (b) The City Manager or the City Manager's designee may grant such permit upon
369 finding that:
- 370 1. The work is necessary to protect the public health, safety, or welfare;
- 371 2. The work is necessary to restore essential public or private utility service or to
372 respond to an emergency condition;
- 373 3. Compliance with the construction hour limitations would create an
374 unreasonable hardship and the work cannot reasonably be performed during the
375 permitted hours; or
- 376 4. The work is of a temporary nature and appropriate conditions can be imposed to
377 minimize adverse impacts upon surrounding properties.
- 378 (c) In granting a permit, the City Manager or the City Manager's designee may impose
379 such reasonable conditions as are necessary to minimize the impact of the
380 construction activity upon surrounding properties and the public, including
381 restrictions on hours of operation, duration, equipment, sound attenuation
382 measures, or other conditions deemed appropriate.
- 383 (d) Any permit issued pursuant to this section shall be for a limited duration and may
384 be renewed upon a showing of continued necessity.
- 385 (e) Any person aggrieved by a decision of the City Manager or the City Manager's
386 designee under this section may appeal the decision to the City Council by filing a
387 written notice of appeal with the City Clerk within ten (10) business days after the
388 decision.

389 **Sec. 11-176. *Voluntary compliance.***

390 The City encourages voluntary compliance with the provisions of this article whenever
391 practical. Nothing contained herein shall prohibit an authorized enforcement officer from
392 issuing a verbal or written warning or allowing a reasonable opportunity to achieve
393 compliance prior to issuing a civil citation, Notice of Violation, Notice to Appear, or
394 initiating any other enforcement action authorized by this Code or Florida law.

395 Nothing contained in this section shall require an enforcement officer to provide a warning
396 or opportunity to comply when:

- 397 1. The violation presents an immediate threat to the public health, safety, or
398 welfare;
- 399 2. The responsible person refuses to comply with a lawful direction to reduce or
400 discontinue the sound;
- 401 3. The violation is a repeat offense; or
- 402 4. Immediate enforcement is otherwise authorized or warranted under the
403 circumstances.

404 **Sec. 11-177. Variances.**

405 (a) Any person seeking temporary relief from the provisions of this article, other than
406 the provisions governing Certified Outdoor Venues under Section 11-148, may
407 apply to the City Manager for a variance.

408 (b) The application shall describe:

- 409 1. The nature of the activity;
- 410 2. The specific provisions from which relief is requested;
- 411 3. The reason compliance cannot reasonably be achieved;
- 412 4. The duration of the requested variance; and
- 413 5. The measures that will be taken to minimize impacts on surrounding properties.

414 (c) The City Manager may recommend approval, approval with conditions, or denial of
415 the requested variance to the City Council.

416 (d) The City Council may grant a variance upon finding that:

- 417 1. Strict application of this article would create an unnecessary hardship;
- 418 2. The variance is temporary in nature;
- 419 3. The requested activity cannot reasonably be conducted in compliance with this
420 article;
- 421 4. The variance will not unreasonably endanger the public health, safety, or
422 welfare; and
- 423 5. Appropriate conditions may be imposed to minimize impacts upon surrounding
424 properties.

425 (e) Any variance granted under this section shall specify:

- 426 1. The duration of the variance;
- 427 2. The permitted hours of operation;

- 428 3. Any applicable sound limitations;
429 4. Any required sound attenuation measures; and
430 5. Any additional conditions deemed necessary by the City Council.
- 431 (f) A variance may be revoked by the City Council upon a finding that the holder has
432 violated any condition of the variance or has otherwise failed to comply with this
433 article.
- 434 (g) Approval as a Certified Outdoor Venue pursuant to Section 11-148 shall not
435 constitute a variance from the remaining provisions of this article.

436 **Sec. 11-178. *Civil citations.***

437 Violations of this article may be enforced through the issuance of civil citations by
438 authorized enforcement officers.

439 Civil citations may be issued by any sworn law enforcement officer of the Riviera Beach
440 Police Department, Code Compliance Officer, Building Official, or other City official
441 authorized by law.

442 Nothing herein limits any other enforcement remedy.

443 **Sec. 11-179. *Penalties.***

444 Any person violating this article shall be subject to the penalties provided in Section 1-11
445 of the Code. Each day or separate occurrence shall constitute a separate offense.

446 Any violation of this article is hereby declared to constitute a public nuisance and may be
447 abated by any lawful means.

448 **Sec. 11-180. *Civil citation schedule.***

449 The City Council may establish by resolution a schedule of civil fines for violations of this
450 article.

451 **Section 3.** The provisions of this Ordinance shall become and be made a part of the Code
452 of the City of Riviera Beach, Florida. The Sections of this Ordinance may be renumbered
453 or relettered to accomplish such inclusion, and the word “Ordinance” may be changed to
454 “Section,” “Article,” or other appropriate word.

455 **Section 4.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is
456 for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative,
457 or void, such holding shall not affect the remainder of this Ordinance.

458 **Section 5.** All ordinances or parts of ordinances and resolutions or parts of resolutions in
459 conflict herewith are hereby repealed to the extent of such conflict.

460 **Section 6.** This Ordinance shall take effect immediately upon adoption.

461 **Passed and Approved** on first reading this ____ day of _____, 2026.

462 **Passed and Approved** on second and final reading this ____ day of _____,
463 2026.

464 **Approved:**

465 _____
466 **Douglas Lawson**
467 **Mayor**

Bruce Guyton
Chairperson

468 **Attest:**

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470

Glen Spiritis
Chair Pro Tem

471 _____
472 **Debrah Hall**
473 **Master Municipal City Clerk**
474 **CLERK**

Shirley Lanier
Councilperson

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KaShamba Miller-Anderson
Councilperson

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Fercella Davis-Panier
Councilperson

481 **1st Reading**

2nd & Final Reading

482 **Motioned By:** _____

Motioned By:

483 _____

484 **Seconded By:** _____

Seconded By:

485 _____

486 **B. Guyton** _____

B. Guyton _____

487 **K. Miller-Anderson** _____

K. Miller-Anderson _____

488 **S. Lanier** _____

S. Lanier _____

489 **G. Spiritis** _____

G. Spiritis _____

490 **F. Davis-Panier** _____

F. Davis-Panier _____

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Reviewed as to Legal Sufficiency.

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