



AGENDA ITEM REQUEST FORM

Town Manager's Office

Department Submitting Request

Bud Bentley

Assistant Town Manager *B13*

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

April 27, 2011

April 15 (5:00 pm)

April 12, 2011

April 1 (5:00 pm)

SUBJECT TITLE: Proposed Revisions to Chapter 19 – Traffic and Motor Vehicles, of the Town Code and Changes in Parking Meter Rates.

EXPLANATION: The Town's Code needs updating to reflect policy decisions made by the Town Commission, parking facilities added in recent years, and best practices in managing public parking systems. In addition, our parking consultant has completed his analysis of our parking rates and made recommendations for new rates.

The proposed Code revisions are shown in the attached document (**Exhibit 1**) along with the reasons for the change and include:

1. Section 19-4 is new and combines existing enforcement language from two sections into this one location. Subsection (a) is transferred from Section 19.21(C). Subsection (b) increases the late fee from \$12.00 to \$15.00, increases the payment time from ten (10) days (excluding weekend and holidays) to thirty (30) calendar days and adds an additional late fee for fines not paid within sixty (60) days.
2. Section 19-25.
 - a. Refines the language for the Commission to set specific parking time limits by resolution.
 - b. Authorizes the Town Manager to set time limits for Town owned parking lots and specific spaces in any Town owned parking lots, which would be less than the time limits set generally for the relevant lot.
3. Section 19-26.
 - a. 19-26 (a) Resident Permit. Clarifies the definition of who may purchase a resident permit, by limiting purchase to only residential property owners or annual residential renters. Currently, commercial property owners and commercial renters may purchase resident permits. This may be an oversight in the way the definition was approved in the Code. Our concern is that it allows commercial owners and renters to park in a metered space rather than on their own property. We believe this is too generous a benefit for commercial property owners and commercial renters. The price for the resident permit is based on the casual use by residents of our beaches and the Oceanfront Center and not daily use by a commercial property owner or renter.
 - b. 19-26(c) Beach Permits have been deleted based on the previous direction of the Commission.
 - c. 19-26(d) Hardship Permits. We have added a visitor parking permit for properties with hardship permits to address past requests.
4. Parking Time Limits. All of our parking meters have a maximum time limit; however, we find that that the Town has a long history of not enforcing the time limit. For example, in the Oceanfront Center the parking limit is 2-hours. At the end of 2 hours you have to move your car and if you don't, according to Code you will be ticketed for saying past the time limit even if you have added money to the meter. Many people think the 2-hour limit is set to just annoy them by requiring them to return to the meter and add money.



A 2-hour parking limit in retail areas with limited parking is fairly common as the limit is meant to create turnover of the spaces for the retail stores and restaurants. In our situation, the Oceanfront Center parking services the retail stores, the restaurants and the beach. Many beach users are in conflict since they like to spend more than 2 hours at the beach. Also, many of the night time visitors to the Oceanfront Center tend to spend more than 2 hours. (Interesting side note, the average purchase of time at the El Prado Parking Lot in the last twelve months was just over 2 hours.)

The pay stations recently installed in the Oceanfront Center provide a new option to increase the parking limit at night. We have gotten input from the four largest restaurants that range from leave it at 2 hours to let them park as long as they like at night. We recommend that we increase the parking limit to 4 hours between 5 pm and 5 am. Since the pay stations record every transaction, including when someone adds time to their space, we could eliminate the time limit after 5 pm and track the data for six months; then revisit with the businesses and provide a report and recommendation to the Commission.

We would like to confirm with the Commission that it has set parking limits for a reason and therefore we are going to enforce them.

5. Parking Sponsorship Program

At the November Roundtable meeting, the Commission received a recommendation to establish a trial Parking Sponsorship Program. The business that was interested at that time did not follow through so the program details were not brought back to the Commission. We have since developed the details of the program and included it in Section 19-27.

The code change delegates to the Town Manager the authority to set a shorter parking time limit for sponsored parking spots than currently exists, determine the number of metered spaces that may be sponsored, and the fee to be paid by the sponsoring business. For example, the time limit in front of a business is four hours. That business is interested in sponsoring parking for several 30-minute parking spaces in front of the business. The annual meter sponsorship fee would be paid quarterly in advance, and will be calculated based on current utilization, with a 15% discount off the hourly rate. The sponsoring business would also pay the expense of the meter signage. In areas where the meter spaces are 24-hours, the sponsorship program may be limited to the open hours of the business.

Sponsored parking spaces are open to anyone and are not restricted to visitors or customers of the sponsor. We have included language that a business' sponsorship can be immediately terminated if the business interferes with anyone parking at a sponsored space and going to other businesses.

Parking Rates – Resolution 2010-20

Mr. Fred Bredemeyer of ConsulPark, who is doing the Operational Study of our parking system, has completed a comparative analysis of the Town's parking meter rates vs. parking meter rates in other beachfront communities. His report shows that the \$1.00 per hour rate we charge at our beachfront meters is lower than Deerfield Beach (\$1.50), Fort Lauderdale (\$1.75), Hollywood (\$1.50) and Dania Beach (\$1.25), the same as Pompano Beach (\$1.00), and higher than several distant cities included in the survey. We provided the attached staff report (**Exhibit 2**) at the March 22, 2011 Commission meeting, which included Mr. Bredemeyer's "Parking Meter Rates Report".

The adjustments in rates that he recommends are contained on pages 3 and 4 of his Report and are summarized in Table 1 in this memorandum. As the Commission is aware, the Parking Fund FY11 budget assumes \$67,000 from increases in parking rates this year. Page 4 and 5 of the Parking Meter Rates Report (**Exhibit 2**) projects the increase in meter revenue for the balance of this fiscal year (\$55,722) and for next fiscal year (\$117,834) from these rate adjustments. The actual revenues in the current fiscal year would be slightly less than projected



because the rate increase would not be implemented exactly on April 1st. We also expect meter revenues to increase at the new pay stations with credit card capability based on the experience of other cities.

The reasons to adjust the rates are multi-fold. One reason is to create enough of a differential between street meter rates and parking lot rates so people will use the parking lots. Another is to encourage turnover parking and discourage beach goers from parking near the stores and restaurants. A third is to start metering the spaces along Commercial that are currently permit only spaces, but regularly used by non-permit holders to park for free. And finally, as the Commission knows, we need to improve the health of the Parking Fund so that we can purchase and install additional pay stations where financially feasible, to improve the circulation configuration in the A1A lot, and to create additional parking spaces on public property.

We have suggested a phased approach to the meter rate increases already approved for October 1, 2011 for the following reasons:

1. A phased approach is generally more palatable to the paying public. (Note: our residents can avoid the increases by purchasing resident parking permits.)
2. It is a matter of minutes to reprogram the pay stations for different rates and it is relatively inexpensive to reprogram the single space meters, too. (We have a quote of \$9.00 per meter to reprogram single space meters so we are looking at only \$792 to reprogram 88 meters in October.)
3. The new permit rates approved in Resolution No. 2010-32, take effect on October 1, 2011.

Based on the results of our comparative analysis, we recommend the following phased rate schedule:

Table 1 – Meter Rate Recommendations

Area	No. of Spaces	Current Rate	Recommended ⁽³⁾	
			April 2011	October 1, 2011
Beach meters ⁽⁵⁾	144	\$1.25		\$1.50
A1A Parking Lot & Wings Lot ⁽¹⁾	71 12	\$1.00 \$1.25	\$1.00	\$1.25 (for both lots)
Bougainville Drive	45	\$1.00	\$1.25	\$1.50
El Prado ⁽¹⁾	90	\$1.00	\$1.25 daytime \$1.00 after 6 pm \$ flat rate ⁽⁶⁾	\$1.50 daytime \$1.00 after 6 pm \$ flat rate ⁽⁶⁾
El Mar ⁽¹⁾	25	\$1.00	\$1.25	\$1.50
Town Hall ⁽¹⁾	24	\$1.00 weekend	\$1.25 weekend	\$1.50 weekend
Commercial Business District ⁽⁴⁾	136	\$0.25	\$.50 in front of shops	
	40	Non-metered	\$0.75 - \$1.00 (Staff recommends \$0.75) Requires FDOT approval to install meters	
Total Spaces	587			

(1) Includes a total of 11 handicapped spaces in the off-street lots.



- (2) Implement when new pay stations were installed.
 - (3) Requires a resolution to implement – suggest we schedule for the April regular meeting.
 - (4) Commercial Blvd west of Seagrape Drive including metered parking on E Tradewinds and Seagrape.
 - (5) Beach meters are those in the Oceanfront Center, the Portals and the first block west of El Mar.
- (6) Vice Mayor Dodd has asked about the desirability of establishing a flat rate (sometimes called a day rate or entry fee) for El Prado (and A1A when it gets pay stations). We think the idea has merit and understand the pay stations can offer this option but we have not confirmed that and need more time to research the pay station software capacity and how that would be handled in Pay By Phone.

Mr. Bredemeyer provided a separate report (**Exhibit 2**) about the parking services required by state law for persons with a Disabled Parking Placard. In summary, State law provides that on-street parking is free for up to four hours, even if the local time limit is less. Municipal parking lots may charge for parking except for vehicles with ramps, lifts, hand controls or Florida toll exemption permits. As shown in the survey data, the trend is for cities to charge for off-street parking and we recommend following state law in this regard. Also attached is the Florida Highway Safety and Motor Vehicles' FAQ page from their web site (**Exhibit 2**) that provides additional information about state law.

Recommendation:

1. Place the ordinance implementing all of the code revisions on the April 27th agenda for first reading. The Commission will have ample opportunity to discuss these issues further.
2. Adopt a resolution at the April 27, 2011 regular meeting to implement the recommended meter rates and establish a policy that all vehicles in parking lots shall pay the same fee except for vehicles that are exempted by State law (vehicles of disabled individuals equipped with ramps, lifts, or hand controls or have a Florida toll exemption permit).
3. Adopt a resolution at the April 27, 2011 regular meeting authorizing staff to apply for an FDOT permit to install single space meters on Commercial Boulevard west of Seagrape.

FISCAL IMPACT AND APPROPRIATION OF FUNDS: The estimated increase in meter revenue from the recommended changes in rates for the balance of this fiscal year is \$55,722 and \$117,834 in next fiscal year. Please note that the estimates do not include revenue from adding street meters on Commercial Boulevard.

Exhibit:

1. Proposed Code Changes
2. March 22, 2010 Report, Agenda Item No. 15.f

Town Manager Initials CJA

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p><u>Chapter 19 – Traffic and Motor Vehicles</u></p> <p><u>ARTICLE I. - IN GENERAL</u></p> <p><u>Sec. 19-1. - Adoption of Florida Uniform Traffic Control Law.</u></p> <p><u>Sec. 19-2. - Adoption of Florida Uniform Disposition of Traffic Infractions Act.</u></p> <p><u>Sec. 19-3. - Supplying parking violation information to the State.</u></p> <p>Secs. 19-4 – 19-20. - Reserved.</p> <p>Secs. 19-4— Enforcement of Traffic and Parking Regulations.</p> <p>Secs. 19-5—19-20. - Reserved.</p>	
<p><u>Sec. 19-1. - Adoption of Florida Uniform Traffic Control Law.</u></p> <p>There is hereby adopted by reference the Florida Uniform Traffic Control Law, F.S. ch. 316, as amended, which law shall be in full force and effect in the Town as if fully set forth herein, and shall be considered as part of this Code.</p> <p><u>Sec. 19-2. - Adoption of Florida Uniform Disposition of Traffic Infractions Act.</u></p> <p>There is hereby adopted by reference the Florida Uniform Disposition of Traffic Infractions Act, F.S. ch. 318, as amended, which act shall be in full force and effect in the Town as if fully set forth herein, and shall be considered as part of this Code.</p> <p><u>Sec. 19-3. - Supplying parking violation information to the State.</u></p> <p>The Town of Lauderdale-By-The-Sea shall supply the Florida Department of Safety and Motor Vehicles, or any successor department performing substantially the same duties, a list of persons who have three or more outstanding parking violations, or one or more outstanding parking violation(s) of F.S. §§ 316.1955, 316.1956 or any Town ordinances which regulate parking in spaces for persons with disabilities. The information may be supplied to the Florida Department of Highway Safety and Motor Vehicles in any communication format approved by it or State statute.</p> <p>(Ord. No. 2004-09, § 1, 6-22-04)</p>	

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>Sec. 19-4. Enforcement of Traffic and Parking Regulations.</p> <p>(a) <i>Enforcement.</i></p> <ol style="list-style-type: none"> (1) Violations pertaining to the improper parking or storage of a motor vehicle shall be in conformity with the provisions of the Florida Uniform Traffic Laws as provided in Florida Statutes. (2) <u>A violation(s) of this section shall be prosecuted in accordance with Chapter 162, Florida Statutes, or through any other supplemental municipal code or ordinance enforcement procedures available to the Town under the Florida Statutes, this Code, or both. The Town may enforce the provisions of this Code by supplemental code or ordinance enforcement procedures as provided by F.S. ch. 162, pt. 2; or</u> (3) Any violation of this section shall constitute a nuisance. The Town Attorney may bring suit on behalf of the Town, or any affected citizen may bring suit in his/her name against the person or persons causing or maintaining the violation, or against the owner/agent of the building or property on which the violation exists. Relief may be granted according to the terms and conditions of F.S. ch. 60, entitled Abatement of Nuisances. (4) <u>Parking violations are to be paid within thirty (30) calendar days from the date of issuance of a citation.</u> (5) <u>Parking violation fines for which full payment is not received within thirty (30) calendar days from the date of issuance will be subject to a fifteen dollar (\$15.00) penalty in addition to the citation fine for each citation issued.</u> (6) <u>Parking violation fines and penalties for which full payment is not received within sixty (60) calendar days from the date of issuance will be subject to an additional twenty dollar (\$20.00) penalty, for a total penalty of thirty-five dollars (\$35.00), in addition to the citation fine for each citation issued.</u> (7) <u>Pursuant to F.S. § 938.35, parking violation fines and penalties for which full payment is not received within ninety (90) calendar days from the date of issuance will also be subject to an additional collection fee if the account is referred to a private attorney or a collection agent registered pursuant to F.S. chapter 559, either retained by the town to pursue the collection of such unpaid financial obligations. The amount of such collection fee shall not exceed forty (40) percent of the amount owed at the time the account is referred to the attorney or agents for collection, or in the actual amount charged by such private attorney or agents for collection, whichever is less.</u> (8) <u>In the case of overpayment of a parking violation fine and penalty, no</u> 	<p>[NOTE: Section 19-4(a) was moved from 19.21(c)]</p> <p>This text is new and adds additional late fees for non-payment of a ticket</p>

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p><u>refund shall be made if payment of any other delinquent citation is due and owing on any vehicle owned by the same registered owner of the vehicle. The town shall apply such credit balance to the oldest outstanding delinquent citation first.</u></p>	
<p>(b) Overtime, permit or restricted parking—Penalty and enforcement.</p> <p>The penalty for overtime parking or for parking in any space requiring a permit, or for any space that may be restricted in any manner, shall be \$25.00. Failure to pay the penalty within ten days of the date of the issuance of the citation (Saturdays, Sundays and legal holidays being excluded for the purpose of this computation) shall result in a late fee of \$12.00 also being assessed against the violator.</p> <p>(Ord. No. 314, § 3, 5-9-89; Ord. No. 345, § 3, 12-14-93)</p>	<p>The has been moved from Section 19-27</p>
<p>(c) <u>The Town Manager or his/her designee may dismiss parking citations under certain extenuating circumstances. These circumstances may include, but are not limited to, an improperly displayed permit or meter receipt when a valid permit or receipt is later produced for disabled vehicle; verified official city business; ambulance transport; police department undercover vehicles; utility service providers; error in the information on the citation; or verified meter malfunction.</u></p> <p>Secs. 19-4—19-20. - Reserved.</p> <p>Secs. 19-5—19-20. - Reserved.</p>	
<p>Sec. xx-xx. -</p>	
<p><u>ARTICLE II. - PARKING, STOPPING OR STANDING</u></p> <p><u>Sec. 19-21. - Parking or storage of motor vehicles and vessels.</u></p> <p><u>Sec. 19-22. - Parking restrictions.</u></p> <p><u>Sec. 19-23. - Swale parking restrictions.</u></p> <p><u>Sec. 19-24. - Parking and storage on unpaved surfaces prohibited.</u></p> <p><u>Sec. 19-25. - Time-restricted parking.</u></p> <p><u>Sec. 19-26. - Parking permits.</u></p> <p><u>Sec. 19-27. - Overtime, permit or restricted parking—Penalty and enforcement. Parking Sponsorship Program</u></p> <p><u>Sec. 19-28. - Metered parking rates.</u></p> <p><u>Sec. 19-29. - Waivers.</u></p> <p><u>Sec. 19-30. - Parking for disabled persons.</u></p>	

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>Sec. 19-31. - Hearing Officers Special Magistrates.</p> <p>Sec. 19-32. - Request for hearing; notice of hearing.</p> <p>Sec. 19-33. - Hearing procedures.</p> <p>Sec. 19-34. - Contest by mail.</p> <p>Sec. 19-35. - Orders and judgments of Hearing Officer Special Magistrate.</p> <p>Sec. 19-36. - Appointment of Parking Enforcement Administrator.</p> <p>Secs. 19-367—19-40. - Reserved.</p>	
<p>Sec. 19-21. - Parking or storage of motor vehicles and vessels.</p> <p>(a) <i>Definitions.</i> For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.</p> <p>(1) Commercial motor vehicle or commercial vehicle means any motor vehicle that has one or more of the following characteristics:</p> <ul style="list-style-type: none"> a. Weighs in excess of 10,000 pounds. The weight of the vehicle as listed on the vehicle registration is prima facia evidence of the weight of the vehicle; b. Is designed to transport more than ten people; c. Is used in commerce; d. Displays lettering, signs or advertising identifying a business or other non-personal use of any kind; e. Possesses built-in, exterior storage compartments; f. Holds tools, equipment, supplies or any other material, refuse or debris that is clearly visible; or g. Has fixtures or attachments on the exterior of the vehicle utilized to hold tools, supplies or equipment; or h. Is otherwise defined by reference to F.S. ch. 320, as a truck/tractor, semi-trailer, bus, ambulance, trailer, wrecker, hearse or truck, except that pick-up trucks are not prohibited unless it otherwise falls within one of the classifications of commercial vehicle as provided herein. i. The definition of commercial vehicle shall not include a vehicle owned by the Town, the Volunteer Fire Department, or any governmental agency which provides emergency services in the Town. <p>(2) East zone includes all property east of the western property line of those properties abutting State Road A-1-A to the west.</p> <p>(3) For-hire vehicle means any vehicle when used for transporting persons or</p>	

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>goods for compensation.</p> <p>(4) Motor home means a movable structure designed for use as a temporary or permanent place of dwelling.</p> <p>(5) Motor vehicle means <u>any self-propelled vehicle, including a motorcycle, not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped.</u></p> <p>(6) Overnight Parking means <u>parking between the hours of midnight and 5:00 am.</u></p> <p>NOTE: Definitions No. 5, 6, and 10 are new so the following definitions have been renumbered.</p> <p>(7) Personal watercraft means any vessel which uses an outboard motor, or an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel. The term "personal watercraft" shall include, but is not limited to, those vessels commonly referred to as jet skis, wave runners, sea doos or surf rockets. <u>The term "personal watercraft" shall not apply to any such vessel operated by a governmental agency which provides emergency services.</u></p> <p>(8) Recreational vehicle means any vehicle or portable structure designed primarily to provide temporary living quarters for recreation, camping or travel use either a vehicular structure mounted on wheels, self-powered or designed to be pulled by another vehicle or a structure designed to be mounted upon and carried by another vehicle. This definition includes, but is not limited to, any vehicle listed below as may be further defined by reference to Florida Statutes as a travel trailer, camping trailer, camp bus or house bus, truck camper, motor home, mobile home, motor coach, or fifth-wheel trailer.</p> <p>(9) Registered vehicle or registered vessel shall mean any vehicle or vessel that is issued a current State-issued certificate of registration.</p> <p>(10) Swale means <u>a grass or other pervious area between a travel lane and the sidewalk or private property line, whichever is adjacent to the pervious area.</u></p> <p>(11) Trailer means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle.</p> <p>(12) Vessel includes every description of boat, watercraft, barge and airboat used or capable of being used as a means of transportation on water.</p> <p>(13) West zone shall be from the western property line of those properties abutting State Road A-1-A to the west extending to the western boundary of the Town.</p>	

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>(b) <i>Restrictions and prohibitions.</i> In the east and west zones as defined in this section, vessels, commercial vehicles and recreational vehicles are prohibited and restricted as hereinafter set forth.</p> <p>(1) Commercial vehicles, recreational vehicles and vessels are prohibited from being parked overnight in a metered parking space within the Town.</p> <p>(2) Unregistered commercial vehicles, recreational vehicles or vessels are prohibited from being parked or stored within the boundaries of the Town unless wholly enclosed within a garage.</p> <p>(3) East zone.</p> <p>a. Registered commercial vehicles or recreational vehicles must comply with the following:</p> <ol style="list-style-type: none"> 1. At all times, the vehicle must fit within the single parking space within which it is parked unless it is parked in a private parking lot obscured from view from the street and neighboring properties. 2. The vehicle cannot protrude into a side or rear setback, sidewalk or right-of-way. 3. The vehicle must be parked on concrete, asphalt, or some other type of impervious ground cover as approved by the Town and may not be parked, stored, or maintained on the grass. <p>b. Registered vessels, personal watercraft and their trailers may be parked, stored or maintained in the Town on private property with the consent of the owner, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Vessels, personal watercraft and their trailers are prohibited from protruding into a sidewalk or right-of-way. 2. The vessel, personal watercraft and its trailer must be parked on concrete, asphalt or some other type of impervious ground cover as approved by the Town and may not be parked or stored on grass. 3. Vessels and personal watercraft under 21 feet in length and under ten feet in height may be stored in the rear of the private property only if it is covered and cannot be seen from the street or the neighboring properties. <p>c. No commercial vehicle, recreational vehicle, vessel, personal watercraft or trailer shall be parked, stored or maintained:</p> <ol style="list-style-type: none"> 1. So as to be visible from Bougainvilla Drive; 	<p style="text-align: center;">This Section has been moved to 19-22(f)</p>

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>2. On any portion of the public or private beaches.</p> <p>d. Recreational vehicles, as defined herein, are prohibited from parking in any public parking space or public parking lot in the east zone of the Town. For the purpose of this parking restriction, the east zone shall be as defined as the area of the Town east of a line which runs north and south from the southern jurisdictional boundary of the Town to the northern jurisdictional boundary of the Town along the east right-of-way line of Seagrape Drive, or the projected line of Seagrape Drive north and south of its terminus.</p> <p>(4) West zone.</p> <p>a. It shall be unlawful for any person to park, store or maintain any commercial vehicle, recreational vehicle, vessel, personal watercraft or trailer on the streets, rights-of-way, or public or private property in any district of the Town located in the west zone between the hours of 9:00 p.m. and 6:00 a.m. except as provided below.</p> <p>b. Uses not prohibited. Nothing herein shall prohibit the parking of commercial vehicles in the west zone while in the process of making deliveries or service calls.</p> <p>c. Commercial vehicles, recreational vehicles, vessels, personal watercrafts or trailers must be wholly enclosed within a garage or enclosed within a carport surrounding the vehicle on three sides and the vessel or vehicle does not protrude from the carport.</p> <p>d. A for-hire vehicle utilized for the temporary moving of personal property may be parked in view overnight, with a temporary permit issued by the Town, not to exceed three nights.</p> <p>e. Registered vessels, personal watercraft and their trailers may be parked, stored or maintained in the west zone of the Town on private property with the consent of the owner, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Neither the vessel nor its trailer may protrude into a side or rear setback. The enforcement of this provision shall be deferred until January 25, 2001 for any vessel owned prior to July 1, 2000 provided said vessel is registered with the Town Police Department prior to July 1, 2000. 2. The vessel, personal watercraft or vehicle must be wholly enclosed within a garage or enclosed within a garage or enclosed within a carport surrounding the vessel or vehicle on three sides and the vessel, personal watercraft or vehicle does not protrude from the carport. 	

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>The enforcement of this provision shall be deferred until January 25, 2001 for any vessel owned prior to July 1, 2000 provided said vessel is registered with the Town Police Department prior to July 1, 2000.</p> <p>3. The vessel and its trailer must be parked on concrete, asphalt or some other type of impervious ground cover as approved by the Town and may not be parked, stored or maintained on the grass.</p> <p>4. Vessels under 21 feet in length and under ten feet in height and personal watercraft may be stored in the rear of the private property only if it is covered and cannot be seen from the street or the neighboring properties.</p> <p>f. A recreational vehicle or trailer may be parked overnight for no more than three consecutive days, twice in any calendar month, and then only when the vehicle is registered with the Town and the property owner or property occupant has notified the Town that the vehicle is being parked on the property.</p> <p>g. Overnight occupancy of a recreational vehicle parked in the Town is prohibited.</p> <p>(5) For properties located in the North Beach Annexation Area (the boundaries of which are described as the <i>Fire Protection Special Assessment—North</i> in section 8-101(1) of this Code of Ordinances) who owned their properties and owned a registered vessel at the time of the 2001 annexation into the Town, the regulations contained in subsections (3) and (4) hereof shall not apply if the criteria in subparagraph I below are satisfied and practical difficulty is determined to exist. Properties that demonstrate a practical difficulty shall instead be subject to the regulations in subparagraph II.</p> <p>I. <i>Finding of practical difficulty:</i></p> <p>1. The owner must demonstrate, on an application in a form required by the Town, that a practical difficulty prevents the owner from fully complying with the regulations in subsections (3) and (4) above, by establishing each of the following:</p> <p>A. The property must have been owned by the same property owner continuously from the time of annexation to the time of application pursuant to subsection (5); and</p> <p>B. The vessel to be stored must be owned by the property owner and the property must have been used as the principal place of storage for a vessel</p>	

LBTS Parking Code Revisions

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<p>continuously from the time of annexation to the time of application pursuant to subsection (5); and</p> <p>C. Compliance with subsections (3) and (4) would make it impractical to use the property for storage of the vessel; and</p> <p>D. Application of the regulations in subparagraph II to this property would be in harmony with the general purpose and intent of the Town Code, is not injurious to surrounding property owners, and is not otherwise detrimental to the public welfare.</p> <p>The Town Manager or his/her designee shall review the application to determine whether a practical difficulty exists, and shall notify the property owner in writing of his/her determination.</p> <p>II. <i>Alternative regulations of vessel parking and storage if practical difficulty exists:</i></p> <ol style="list-style-type: none"> 1. The alternative regulations contained herein shall be personal to the real property owner at the time of the effective date of this section. Any real property owner who acquires his/her property after the effective date of this section shall be subject to the provisions of subsection (3) or (4), as applicable. 2. Parking or storage of boats shall be limited to boats owned by the occupants of the property. 3. All boats, except canoes and boats less than 12 feet in length, must be stored on a currently licensed boat trailer. 4. On a plot containing a one- or two-family dwelling: <ol style="list-style-type: none"> A. Not more than one boat may be parked or stored outside of a carport or fully enclosed building. B. No boat shall be parked or stored in a location which causes the boat to encroach onto a street or in any location which visually obstructs vehicle egress from contiguous properties. 5. On a plot containing three or more dwelling units: <ol style="list-style-type: none"> A. One boat per dwelling unit may be parked or stored on the plot outside of a carport or fully enclosed building, if an area specifically designated for such use is provided. 6. No part of any required off-street parking facility or required landscape area may be used for parking or storage of boats. 	

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>(6) All covers used in connection with the storage of vessels for a period of greater than 90 days must be custom fit to the contours of the boat. No tarps or other non-custom fit covers, or ready-fit or semi-custom covers may be used for a period of time greater than 90 days. A custom fit cover is designed, manufactured and tailored to closely fit the body style and size group of the specific make, model and year of the vessel to be covered.</p>	
<p>(c) <i>Enforcement.</i></p> <p>(1) Violations pertaining to the improper parking or storage of a motor vehicle shall be in conformity with the provisions of the Florida Uniform Traffic Laws as provided in Florida Statutes.</p> <p>(2) The Town may enforce the provision of this Code by supplemental code or ordinance enforcement procedures as provided by F.S. ch. 162, pt. 2; or</p> <p>(3) The Town may prosecute violations by issuance of notices to appear for violation of a Town ordinance, in which case, the penalty for a violation shall be as follows:</p> <p style="padding-left: 40px;">a. First violation \$50.00</p> <p style="padding-left: 40px;">b. Second violation within 12 months of adjudication of first violation 100.00</p> <p style="padding-left: 40px;">c. Third violation within 18 months of adjudication of first violation 500.00</p> <p style="padding-left: 40px;">Each day on which a violation exists shall constitute a separate violation for the purpose of determining the fine.</p> <p>(4) Any violation of this section shall constitute a nuisance. The Town Attorney may bring suit on behalf of the Town, or any affected citizen may bring suit in his/her name against the person or persons causing or maintaining the violation, or against the owner/agent of the building or property on which the violation exists. Relief may be granted according to the terms and conditions of F.S. ch. 60, entitled Abatement of Nuisances.</p> <p>(5) Violations of this article shall be enforceable by arrest, provided such arrest is made pursuant to F.S. ch. 901.</p> <p>(Code 1962, § 23-5; Ord. No. 359, § 1, 11-22-94; Ord. No. 429, §§ 2, 4, 1-25-00; Ord. No. 437, § 2, 5-23-00; Ord. No. 472, § 2, 5-8-01; Ord. No. 03-505, § 2, 2-11-03; Ord. No. 2009-08, § 1, 3-24-09; Ord. No. 2009-17, § 2, 3-24-09)</p> <p><u>How meter and space to be used; overtime parking.</u></p>	<p>NOTE: 19.21(c), subsections (1), (2) and (4) were moved to 19-4.</p> <p>Subsections (3) and (5) have been deleted as they are not relevant to implementation of this code.</p>

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>(1) <u>When any vehicle shall be parked in any space adjacent to which a parking meter is located or is served by a parking pay station in accordance with the provisions of this article, the operator of such vehicle shall, upon entering the parking space, immediately pay the required payment for the time selected. Upon the appropriate payment, the parking space may be lawfully occupied by such vehicle during the period of parking time prescribed on such parking meter, pay station or pay by telephone service.</u></p> <p>(2) <u>Each parking space shall have lines or markings painted or placed upon the curb or upon the street for the purpose of designating the parking space, and each vehicle parked in a parking space shall park within the lines or markings so established. It shall be unlawful to park any vehicle across any such line or marking or to park such vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.</u></p> <p>(3) <u>If such vehicle shall remain parked in any such parking space beyond the parking time limit indicated for such parking space, or if the parking time expires, such vehicle shall then be considered as parked overtime and beyond the period of legal parking time; and the parking of a vehicle overtime or beyond the period of legal parking time shall be a violation of this article.</u></p>	
<p>Sec. 19-22. - Parking restrictions.</p> <p>(a) <u>Parallel auto parking shall be permitted on all streets within the Town, except where prohibited by appropriate signage or not available because of restricted right of way. that it is prohibited as follows:</u></p> <p>(1) <u>Flamingo Drive between Ocean Drive and the ocean;</u></p> <p>(b) <u>Vehicles parallel parked shall face the same direction as the flow of traffic, and no part of the vehicle shall extend a greater distance than seven feet from the outside curb or outside line of the street right-of-way.</u></p> <p>(c) <u>Angle parking at a 30 degree angle shall be permitted along the outside curbs of Commercial Boulevard subject to the above conditions as to direction from the east curb of Ocean Drive eastward to the ocean; and the same regulations which apply to this portion of Commercial Boulevard shall apply on El Prado Drive</u></p>	

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>between Ocean Drive and the ocean.</p> <p>NOTE: The following subsections have been renumbered.</p> <p>(c) Parking is prohibited in all other public areas such as parks, boulevards, islands, tree lawns, sidewalks, etc., at any time.</p> <p>(d) No person shall park in or otherwise obstruct any portion of a sidewalk or other area designated by the Town Commission as a marked pedestrian way within the Town of Lauderdale-By-The-Sea. The penalty for parking in or otherwise obstructing any portion of a sidewalk or other area designated by the Town Commission as a marked pedestrian way shall be \$25.00 for each occurrence.</p> <p>(e) It shall be prohibited to park in a parking space which is posted "No Beach Parking" or "Beach Parking Prohibited" and to thereafter visit, congregate, stop or assemble at the beach.</p> <p>(f) Recreational vehicles, as defined herein, are prohibited from parking in any public parking space or public parking lot in the east zone of the Town. For the purpose of this parking restriction, the east zone shall be as defined as the area of the Town east of a Seagrape Drive line which runs north and south from the southern jurisdictional boundary of the Town to the northern jurisdictional boundary of the Town along the east right of way line of Seagrape Drive, or the projected line of Seagrape Drive north and south of its terminus.</p> <p>(g) <u>It shall be unlawful for any person to park in or upon any private alley, drive, driveway, parking area or other privately owned property without the consent of the owner of the property or person in charge thereof, whether such property is used exclusively by the owner or for the use and convenience of customers or guests</u></p> <p>(Code 1962, § 23-6; Ord. No. 364, § 2, 5-23-95; Ord. No. 404, § 2, 6-23-98; Ord. No. 406, § 3, 8-25-98)</p> <p>Cross reference—Streets, sidewalks and other public places, Ch. 17.</p>	<p>Section (f) was moved from 19-21(b)(3)d.</p>
<p><u>Sec. 19-23. - Swale parking restrictions.</u></p> <p>(a) Swale parking is prohibited without the express permission of the property owner whose property abuts such swale. A parking citation may shall be issued, <u>after prior issuance of a warning</u>, when it is determined that the property owner abutting such swale has not given express permission to the owner or operator of the vehicle parked in the swale. <u>This shall not apply to the parking of any governmental agency vehicle temporarily parking for the purpose of providing repairs or services anywhere in the vicinity of the vehicle.</u></p> <p>(Ord. No. 414, § 3, 2-23-99)</p> <p><u>Sec. 19-24. - Parking and storage on unpaved surfaces prohibited.</u></p>	<p>Definition of swale added in 19-21(a)(10)</p> <p><u>Swale means a grass or other pervious area between a travel lane and the sidewalk or private property line, whichever is adjacent to the pervious area.</u></p> <p>“motor vehicle”</p>

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Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>(a) No motor vehicle or motorcycle shall be stored or parked, between the hours of 2:00 a.m. and 6:00 a.m. on an unpaved surface in any residential district in the Town. Violations of this section are enforceable by issuance of a notice to appear for violation of a Town ordinance, in which case, the penalty for violation shall be as follows:</p> <p>(1) First violation \$50.00</p> <p>(2) Second violation within 12 months of adjudication of first violation 100.00</p> <p>(3) Third violation within 18 months of adjudication of first violation 500.00</p> <p>(b) Each day a violation occurs shall be considered a separate violation for purposes of citation and enforcement.</p> <p>(c) Definition. For the purpose of this section, "unpaved surface" shall mean any surface which is not a concrete, asphalt, paver block, brick, turf block, or Town-approved decorative stone surface. The Town shall maintain at Town Hall a list of approved decorative stones.</p> <p>(Ord. No. 456, §§ 2, 3, 12-12-00)</p>	<p>includes motorcycles</p>
<p><u>Sec. 19-25. - Time-restricted parking.</u></p> <p>(a) <u>The Town Commission may by resolution establish specific time limits for parking spaces in identified locations within the Town.</u></p> <p>(b) <u>The Town Manager shall establish parking time limits and hours of operations for Town owned parking lots.</u></p> <p>(c) <u>The Town Manager may establish a shorter time limit for specific parking spaces within any Town owned parking lot, regardless of the primary time limits established for the specific lot.</u></p> <p>NOTE: The following are renumbered</p> <p>(d) Two-hour parking restrictions shall be in effect Monday through Sunday, inclusive, from the hours of 7:00 a.m. to 7:00 p.m. for each vehicle parked in the following locations:</p> <p>Parking lot to the west of (across Seagrape) Sun Bank behind pumping station.</p> <p>East and west side of Bougainvillea north of Commercial to the alley.</p> <p>East side of Poinciana from Commercial to the alley.</p> <p>East and west side of East Tradewinds from Commercial to Harbor.</p> <p>East side of West Tradewinds from Commercial south to Harbor.</p> <p>North side of El Prado between Bougainvillea and Poinciana.</p> <p>West side of Ocean Boulevard in front of the Town Hall and adjacent Town property.</p>	

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>East and west side of East Tradewinds from Commercial south to Basin. South side of Basin present public parking, from Seagrape to East Tradewinds. West side of Seagrape from Commercial to Basin. North and south sides of El Prado adjacent to park. West side of Bougainvillea Drive adjacent to park. East side of Bougainvillea Drive adjacent to Town Hall (weekends and holidays only).</p> <p>NOTE: The above streets have been restated to begin with the street name: Basin: south side, present public parking, from Seagrape to East Tradewinds. Bougainvillea Drive: east side, adjacent to Town Hall (weekends and holidays only). Bougainvillea Drive: west side of adjacent to park. Bougainvillea: east and west side, north of Commercial to the alley. East Tradewinds: east and west side, from Commercial south to Basin. East Tradewinds: east and west side, from Commercial to Harbor. El Prado: north side, between Bougainvillea and Poinciana. North and south sides of El Prado adjacent to park. Ocean Boulevard: west side, in front of the Town Hall and adjacent Town property. Parking lot to the west of (across Seagrape) Sun Bank behind pumping station. Poinciana: east side, from Commercial to the alley. Seagrape: west side, from Commercial to Basin. West Tradewinds: east side, from Commercial south to Harbor.</p>	
<p>(e) Two-hour parking restrictions shall be in effect Monday through Sunday, inclusive, 24 hours a day for each vehicle parked in the following locations <u>except for parking spaces served by a pay station for which the parking limit between 5 pm and 5 am shall be four-hours:</u></p> <p><u>On both the north and south sides of Commercial Boulevard between Seagrape Ocean Drive and the ocean; on both the east and west sides of El Mar Drive adjacent to Commercial Boulevard between the alleys which lie north and south of Commercial Boulevard, as well as that portion of El Mar Drive lying north of the alley which is north of Commercial Boulevard which lies within the B-1 zoning district and that portion of El Mar Drive lying south of the alley which is south of Commercial Boulevard that lies within the B-1 zoning district; and both sides of Bougainvillea Drive from Commercial Boulevard to the alleys lying north of Commercial Boulevard.</u></p>	<p>The Pay Stations make is practical to have different time limits</p> <p>The time limit for Bougainvillea is set in 19-25(d)</p>

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>(e) The Town Commission may, from time to time, by resolution approved by a majority of the Town Commission, direct the Town Manager to establish four-hour parking spaces in specifically identified locations within the Town. Any spaces, for which four-hour parking may be approved, may, by subsequent resolution approved by a majority of the Town Commission, be redesignated as a two-hour parking restricted location.</p>	
<p>(f) Metered parking shall be prohibited east of El Mar Drive between the hours of 9:00 p.m. and 5:00 a.m., is prohibited except that parking at metered spaces is permissible on Commercial Boulevard east of El Mar Drive, between the alleyways located immediately north and south of Commercial Boulevard.</p>	<p>We have received requests to allow 1. Allow hardship permits to park after 9 pm and 2. Change the 9 pm limit to a later hour.</p>
<p>(f) Parking shall be prohibited in the public parking lot adjacent to Town Hall between the hours of 1:00 a.m. and 6:00 a.m. seven days a week, or as may otherwise be provided by the Town Commission by resolution.</p> <p>(g) No more than one vehicle shall be parked at a metered or permit parking space at the same time, provided that more than onetwo motorcycles may be parked in the same metered spetspace at the same time as long as all motorcycles are entirely within the parking space.</p> <p>(h) For parking in metered parking spaces located along Commercial Boulevard west of Seagrape Drive on Mondays through Fridays, two-hour parking restrictions shall be in effect Monday through Friday, with no time limit on parking on Saturdays and Sundays.</p>	<p>parking hours and time limits in parking lots set by Town Manager 19-25(b)</p>
<p>(i) All metered parking fees along the north and south side of Commercial Boulevard, west of Bougainville Drive and on the 200-foot portion of Bougainville Drive and Poinciana Drive north of Commercial Boulevard and the 200-foot portion of Bougainville Drive south of Commercial Boulevard shall be subject to a two-hour time limit with a fine of \$25.00 for over parking, which the meter cover or adjacent signage shall indicate.</p> <p>(Code 1962, § 23-7; Ord. No. 314, § 2, 5-9-89; Ord. No. 347, § 1, 4-26-94; Ord. No. 350, § 1, 6-28-94; Ord. No. 401, § 1, 5-26-98; Ord. No. 403, § 2, 6-23-98; Ord. No. 492, § 2, 3-26-02; Ord. No. 02-502, § 2, 10-22-02; Ord. No. 2006-12, §§ 2—4, 10-10-06; Ord. No. 2007-04, § 2, 3-13-07; Ord. No. 2007-16, § 2, 11-13-07; Ord. No. 2009-01, § 2, 1-27-09)</p>	<p>The fine is stated in 19-4(b) The time limit for Commercial Blvd is in (h) above and Bougainville and Poinciana Drive are in (d).</p>
<p>Sec. 19-26. - Parking permits.</p>	

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>Commission, to determine and shall designate which town parking spaces may be used for employee or hardship permits. areas of the Town shall be posted as areas where beach or employee permits may be used.</p> <p>(f) <u>Violation of this Section is punishable by suspension or revocation of the parking permit. The Town Manager is authorized to revoke or suspend employee parking permits for up to one year following a hearing if it is determined that the parking permit was used in violation of this subsection. Any revocation or suspension may be appealed to the Town Commission.</u></p> <p>(Ord. No. 314, § 4, 5-9-89; Ord. No. 330, § 1, 9-11-91; Ord. No. 352, § 1, 9-14-94; Ord. No. 362, § 2, 3-14-95; Ord. No. 03-509, § 2, 3-11-03; Ord. No. 2007-06, § 2, 4-10-07; Ord. No. 2009-18, § 1, 4-28-09; Ord. No. 2009-24, § 1, 6-9-09)</p> <p>Editor's note—</p> <p>Ord. No. 2009-18, § 1, adopted April 28, 2009, changed the title of § 19-26 from "Permits in posted areas" to read as herein set out.</p>	
<p>Sec. 19-27. Parking Sponsorship Program. Overtime, permit or restricted parking—Penalty and enforcement.</p> <p>The penalty for overtime parking or for parking in any space requiring a permit, or for any space that may be restricted in any manner, shall be \$25.00. Failure to pay the penalty within ten days of the date of the issuance of the citation (Saturdays, Sundays and legal holidays being excluded for the purpose of this computation) shall result in a late fee of \$12.00 also being assessed against the violator.</p> <p>(Ord. No. 314, § 3, 5-9-89; Ord. No. 345, § 3, 12-14-93)</p> <p>The Town Manager is authorized to establish rules and procedures for a Parking Sponsorship Program, which will allow a person or business to adopt a metered parking spot, which sponsorship may be limited to specific hours. Upon sponsorship, there will be no meter fees in order to park during the sponsored hours. The Town Manager shall develop the Program within the following guidelines:</p> <p>(a) Any person or business may apply to sponsor metered parking spaces.</p> <ol style="list-style-type: none"> 1. A sponsorship shall be for a period of no less than six (6) months. 2. A sponsorship shall, after the initial six (6) month period, extend on an ongoing basis until and unless terminated as provided in this Section. 3. The sponsorship may be terminated without cause by either the sponsor or the Town after the six month initial sponsorship, upon thirty (30) days written notice to the other party. 	<p>Moved to Section 19-4</p> <p>This language is new to provide for a parking sponsorship program</p>

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>(b) The Town Manager shall determine the number of metered spaces that may be sponsored based upon the demand for public parking in the area, the type of usage of existing parking and the public parking needs of adjacent and nearby businesses.</p> <p>(c) Sponsorship fees shall be calculated and paid as follows: at least quarterly, in advance, and shall be calculated based on:</p> <ol style="list-style-type: none"> 1. Sponsorship fees shall be calculated based on: <ol style="list-style-type: none"> a. an initial projection of the annual number of hours of usage of the meter(s); and b. hourly rates shall be discounted 15% off the then current hourly rate. 2. Fees shall be paid at least quarterly, in advance. 3. Fees shall be recalculated on an annual basis or upon a change in meter rates, whichever occurs earlier. 4. Failure to pay the sponsorship fee shall result in termination of the sponsorship following a ten (10) day notice and demand for payment. <p>(d) The Town Manager may set a shorter parking time limit for any given sponsored parking space than then exists for that space.</p> <p>(e) Sponsorships may be limited to the open hours of the business.</p> <p>(f) One sign, approved by the Town Manager may be installed at the head of a sponsored metered space that includes the identification of the sponsor. The sponsor shall pay the initial and any replacement expenses for the sponsorship signage.</p> <p>(g) Sponsored parking spaces shall at all times be open to the public and shall not be restricted to customers or visitors of the sponsor. The Town Manager may immediately terminate a sponsorship if a sponsor interferes with anyone parking at a sponsored space.</p>	

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Proposed Revisions to Chapter 19 - Parking	Reason for change
<p><u>Sec. 19-28.</u> - Metered parking rates.</p> <p>The charge for parking in metered parking spaces will be established by resolution of the Town Commission.</p> <p>(Ord. No. 2009-01, § 1, 1-27-09)</p> <p><u>Sec. 19-29.</u> - Waivers.</p> <p>The Town Commission may waive parking restrictions <u>and meter fees</u> in any area <u>by resolution</u> for a period of time not to exceed 72 hours. <u>The Town Manager may waive parking restrictions and meter fees in any area for a period of time not to exceed 24 hours.</u></p> <p>(Ord. No. 314, § 6, 5-9-89)</p>	
<p><u>Sec. 19-30.</u> - Parking for disabled persons.</p> <p>(a) It shall be unlawful for any person to park a vehicle in any parking space designated with the internationally accepted wheelchair symbol or the caption "handicapped parking," or similar words, unless such vehicle displays a parking permit issued pursuant to F.S. § 320.0848 and such vehicle is transporting a person eligible for such parking permit.</p> <p>(b) Whenever a Law Enforcement Officer or a Parking Enforcement Specialist finds a vehicle in violation of this section, that Officer may have the vehicle in violation removed to a lawful parking space or facility or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle. Whenever any vehicle is removed by a Law Enforcement Officer, Parking Enforcement Specialists, or agency to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle.</p> <p>(c) The penalty for a violation of this section 19-30 shall be \$250.00 for each such violation. Failure to pay the penalty within ten days of the date of the issuance of the citation (Saturdays, Sundays and legal holidays being excluded for the computation) shall result in a late fee of \$12.00 also being assessed against the violator.</p> <p>(Ord. No. 268, § 1, 11-22-83; Ord. No. 345, § 3, 12-14-93)</p>	
<p><u>Sec. 19-31.</u> - Hearing Officers <u>Special Magistrates.</u></p> <p>The <u>Special Magistrate appointed by the Town Commission pursuant to Section 6.5-2 of this Code, shall also have jurisdiction shall appoint one or more Hearing Officers to adjudicate violations of the Town's parking ordinances. The Hearing Officer shall be a</u></p>	

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Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>member in good standing of the Florida Bar and shall be a resident of Broward County.</p> <p>(Ord. No. 345, § 2, 12-14-93; Ord. No. 381, § 2, 8-13-96)</p> <p><u>Sec. 19-32.</u> - Request for hearing; notice of hearing.</p> <p>(a) Any person who receives a parking citation issued pursuant to article II, "Parking, stopping and standing" of this chapter 19 may contest such citation by delivering to the Clerk by mail within ten days, including Saturdays, Sundays and legal holidays, of the date of the citation a written request for a hearing or by hand-delivering such written request and the citation to the Clerk's Office between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays. The request for hearing shall be on a form approved by the Town and available from the Clerk's Office.</p> <p>(b) The Clerk shall notify the Parking Enforcement Administrator <u>Town Manager</u> immediately of each request for hearing received by the Clerk.</p> <p>(c) The Parking Enforcement Administrator <u>Town Manager</u> shall set the hearing for a date which would be within 60 days of the date that the notice of contest was received by the Clerk; <u>and the Parking Enforcement Administrator</u> shall give the person issued the citation at least seven days' advance written notice, excluding Saturdays, Sundays, and legal holidays, of the scheduled date, time and place for the hearing.</p> <p>(d) Said notice shall be sent by mail to the address of the registered owner of the vehicle, as per the issued citation or, in the event that the driver (violator) of the vehicle is not the owner, to the driver's address.</p> <p>(Ord. No. 345, § 2, 12-14-93; Ord. No. 381, §§ 3—5, 8-13-96)</p>	
<p><u>Sec. 19-33.</u> - Hearing procedures.</p> <p>(a) <u>Hearings before the Special Magistrate for violations of this Chapter shall be conducted in accordance with the provisions of this Code and F.S. 162 as may be amended from time to time. The person issued the citation may:</u></p> <p>(1) Be represented by counsel;</p> <p>(2) Call and examine witnesses;</p> <p>(3) Introduce exhibits;</p> <p>(4) Examine opposing witnesses on any relevant matter, even though the matter was not covered under direct examination; and</p> <p>(5) Impeach any witness regardless of which party first called the witness to testify.</p> <p>(b) All hearings shall be conducted insofar as practical, in accordance with the</p>	<p>This section modified to reflect that F.S. 162 controls the procedure for Special Magistrate hearings.</p>

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>Florida Rules of Civil Procedure and the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner.</p> <p>(e) All irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial before the courts of the State of Florida. Evidence may be received in written form. Notwithstanding, all testimony of parties and witnesses shall be made under oath. Heresay evidence may be used for the purpose of supplementing or explaining other evidence but it shall not be sufficient in and of itself to support a finding unless it would be admissible over objection under the Florida Rules of Civil procedure and/or under the Common Law of the State of Florida.</p> <p>(d) Any interested party or person may make application and, upon good cause shown, may be allowed by the Hearing Officer in his/her discretion to intervene and appear in a proceeding pending before the Hearing Officer.</p> <p>(b) The information contained in the parking citation shall be presumed correct in the absence of contrary evidence and no testimony shall be necessary to support the presumption of correctness.</p> <p>(Ord. No. 345, § 2, 12-14-93; Ord. No. 381, § 6, 8-13-96)</p> <p><u>Sec. 19-34. - Contest by mail.</u></p> <p>(a) Those persons who receive a parking citation but who do not reside in Palm Beach, Broward or Dade County, Florida may contest the citation in writing delivered to the Clerk, thus avoiding the necessity of appearing for a hearing.</p> <p>(b) Such person must submit to the Clerk his/her written request to contest the citation by mail, along with all evidence in support of such contest, within ten days of the date that the citation was issued.</p> <p>(c) The evidence shall be presented to the Hearing Officer <u>Special Magistrate</u>, at a hearing to be held within 60 days of the date that written request to contest the citation was received by the Clerk. Notwithstanding that the violator has requested to contest the issuance of the citation by mail, such violator will nevertheless be notified (written notice) by the Clerk of the scheduled date, time and place of the hearing.</p> <p>(d) The evidence presented must include a sworn statement by the person cited. The statement must identify the citation at issue by its number and date of issuance. It must set forth the name and current address of the person cited. The statement may contain argument in opposition to the citation. The Hearing Officer <u>Special Magistrate</u> will not consider unsworn statements.</p> <p>(e) The evidence submitted may include sworn statements of witnesses. Such statements must include the name and address of the witness, as well as the basis of the witness' knowledge about the facts asserted in the statement.</p>	

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Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>(f) The evidence submitted may also include such documents as are relevant and material to the disposition of the citation.</p> <p>(g) All evidence submitted is subject to the evidentiary rules set forth.</p> <p>(Ord. No. 345, § 2, 12-14-93; Ord. No. 381, § 7, 8-13-96)</p>	
<p><u>Sec. 19-35. - Orders and judgments of Hearing Officer Special Magistrate.</u></p> <p>(a) Pursuant to the provisions of F.S. § 316.1967, any person who elects to appear before the Hearing Officer Special Magistrate or to contest a citation by mail shall be deemed to have waived his right to pay the civil penalty amount set forth on the citation.</p> <p>(b) After a hearing, or following consideration of any mailed-in admissible evidence, as applicable, the Hearing Officer Special Magistrate shall make a determination based on the greater weight of the evidence as to whether a parking violation has been committed and shall issue a judgment imposing (1) a civil penalty of \$250.00 for violations of disabled parking ordinances and a civil penalty not to exceed \$100.00 for violations of all other Town parking ordinances, and (2) hearing costs. The Hearing Officer Special Magistrate may, in his/her discretion, grant additional time to pay the civil penalty amount. All judgments shall be in writing signed and dated by the Hearing Officer Special Magistrate and shall contain findings of fact supporting the judgment and conclusions of law.</p> <p>(c) If, at the conclusion of a hearing, or following consideration of mailed-in, admissible evidence, the Hearing Officer Special Magistrate orders a dismissal of the citation and finds no violation, the Hearing Officer Special Magistrate shall so state and issue his/her order of dismissal in writing signed and dated by the Hearing Officer Special Magistrate and shall set forth findings of fact supporting the order of dismissal.</p> <p>(d) Hearings shall be scheduled to be held within 60 days of request and decided within 30 days following such hearing. The decision of the Hearing Officer Special Magistrate may be appealed by any party receiving an adverse ruling by the filing of a petition for writ of certiorari in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida; provided that such written request shall be delivered to the Clerk within 30 days of the date of the Hearing Officer's Special Magistrate's decision, including Saturdays, Sundays and legal holidays.</p> <p>(Ord. No. 345, § 2, 12-14-93; Ord. No. 381, § 8, 8-13-96)</p>	
<p><u>Sec. 19-36. - Appointment of Parking Enforcement Administrator.</u></p>	

LBTS Parking Code Revisions

Proposed Revisions to Chapter 19 - Parking	Reason for change
<p>The Town Commission shall, by resolution, appoint a Parking Enforcement Administrator to process fines, penalties and forfeiture thereof, in connection with the issuance of citations for parking violations.</p> <p>(Ord. No. 381, § 9, 8-13-96)</p> <p><u>Secs. 19-367—19-40.</u> - Reserved.</p>	Not needed
<p><u>ARTICLE III. - SPEED AND STREET TRAFFIC REGULATIONS*</u></p> <p>Cross reference—Streets, sidewalks and other public places, Ch. 17.</p> <p><u>Sec. 19-41.</u> - Speed limits.</p> <p>In accordance with F.S. § 316.189, and when signs are erected giving notice thereof, the speed limit shall be as follows:</p> <ul style="list-style-type: none">(1) Commercial Boulevard and Ocean Drive (A1A), throughout the corporate limits of the Town shall have a speed limit of 30 miles per hour.(2) The remainder of the streets within the corporate limits of the Town shall have speed limits of 25 miles per hour. <p>(Code 1962, § 23-9)</p>	



AGENDA ITEM REQUEST FORM

Town Manager's Office

Department

Bud Bentley

Assistant Town Manager *B*

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

March 22, 2011

April 15 (5:00 pm)

April 12, 2011

April 1 (5:00 pm)

Presentation

Reports

Consent

Ordinance

Resolution

Quasi-Judicial

Old Business

New Business

SUBJECT TITLE: Parking Meter Rate Survey and Report

One of the deliverables from Fred Bredemeyer of ConsulPark, who is doing the Operational Study of our parking system, is a comparative analysis of the Town's parking meter rates vs. parking meter rates in other beachfront communities. Mr. Bredemeyer's attached Report on Parking Meter Rates (**Exhibit 1**) shows that the \$1.00 per hour rate we charge at our beachfront meters is lower than Deerfield Beach (\$1.50), Fort Lauderdale (\$1.75), Hollywood (\$1.50) and Dania Beach (\$1.25), the same as Pompano Beach (\$1.00), and higher than several distant cities included the survey.

While providing Mr. Bredemeyer with the Town's history of parking rates, we learned that in 2009 the beach meter rates were \$1.25 and have been in all Commission resolutions since; however, the actual beach meters are currently still programmed at \$1.00 per hour. We have no information as to why the meters were never reprogrammed for the higher rate; it's an inexpensive procedure to do so. The missed revenue opportunity from not having implemented the \$1.25 rate is about \$50,000 annually.

The adjustments in rates that we propose are contained on pages 3 and 4 of the Report and are summarized in the table on the following page. As the Commission is aware, the Parking Fund FY11 budget assumes \$67,000 from increases in parking rates this year. Page 4 and 5 of the Parking Meter Rates Report (**Exhibit 1**) projects the increase in meter revenue for the balance of this fiscal year (\$55,722) and for next fiscal year (\$117,834) from these rate adjustments. The estimates do not include revenue from adding street meters on Commercial Boulevard. The actual revenues in the current fiscal year would be slightly less than projected because the rate increase would not be implemented exactly on April 1st. We also expect meter revenues to increase at the new pay stations with credit card capability based on the experience of other cities.

The reasons to adjust the rates are multi-fold. One reason is to create enough of a differential between street meter rates and parking lot rates so people will use the parking lots. Another is to encourage turnover parking and discourage beach goers from parking near the stores and restaurants. A third is to start metering the spaces along Commercial that are currently permit only spaces, but regularly used by non-permit holders to park for free. And finally, as the Commission knows, we need to improve the health of the Parking Fund so that we can purchase and install additional pay stations where financially feasible, to improve the circulation configuration in the A1A lot, and to create additional parking spaces on public property.



AGENDA ITEM REQUEST FORM

We suggested a phased approach to the meter rate increases for following reasons:

1. A phased approach is generally more palatable to the paying public. (Note: our residents can avoid the increases by purchasing resident parking permits.)
2. It is a matter of minutes to reprogram the pay stations for different rates and it is relatively inexpensive to reprogram the single space meters, too. (We have a quote of \$9.00 per meter to reprogram single space meters so we are looking at only \$792 to reprogram 88 meters in October.)
3. We will be recommending new permit rates for the Fiscal Year 2012, which starts October 1, 2011.

Table 1 – Meter Rate Recommendations

Area	No. of Spaces	Current Rate	Recommended	
			April 2011	October 1, 2011
Beach meters (5)	144	\$1.25 but meters are programmed at \$1.00	\$1.25 (2)	\$1.50 (3)
A1A Parking Lot (1)	71	\$1.00	No change	\$1.25 (3)
Wings Lot (1)	12	\$1.25	\$1.00	\$1.25 (3)
Bougainvillea street meters	45	\$1.00	\$1.25	\$1.50
El Prado (1)	90	\$1.00	\$1.25 daytime \$1.00 after 6 pm (3)	\$1.50 daytime \$1.00 after 6 pm (3)
El Mar (1)	25	\$1.00	\$1.25 (2)	\$1.50 (3)
Town Hall (1)	24	\$1.00 weekend	\$1.25 weekend (3)	\$1.50 weekend (3)
Commercial Business District (4)	136	\$0.25	\$.50 (3) in front of shops	No change
	40	Non-metered (2)	\$.75 - \$1.00 (3) (Staff recommends \$0.75)	No change
Total Spaces	587			

- (1) Includes a total of 11 handicapped spaces in the off-street lots.
- (2) Implement when the new pay stations are installed in mid-April.
- (3) Requires a resolution to implement – suggest we schedule for the April regular meeting.
- (4) Commercial Blvd west of Seagrape Drive including metered parking on E Tradewinds and Seagrape.
- (5) Beach meters are those in the Oceanfront Center, the Portals and the first block west of El Mar.

The attached Table of Meter Locations (**Exhibit 4**) shows the location and number of all of the parking meters in town. Beach meters are those in the Oceanfront Center, the Portals and the first block west of El Mar. El Prado is listed in the resolutions as a distinct parking area, not lumped in with the “beach meters”.



AGENDA ITEM REQUEST FORM

Mr. Bredemeyer provided a separate report (**Exhibit 2**) about the parking services required by state law for persons with a Disabled Parking Placard. In summary, State law provides that on-street parking is free for up to four hours, even if the local time limit is less. Municipal parking lots may charge for parking except for vehicles with ramps, lifts, hand controls or Florida toll exemption permits. As shown in the survey data, the trend is for cities to charge for off-street parking and we recommend following state law in this regard. Also attached is the Florida Highway Safety and Motor Vehicles' FAQ page from their web site (**Exhibit 3**) that provides additional information about state law.

Recommendation:

1. Implement the 2009 approved \$1.25 rate for beach meters when we install the new pay stations in April.
2. If the Commission does not have the time on Tuesday night to discuss the Parking Meter Rates Report in as much detail as you would like, schedule it for further discussion at the April 12, 2011 Roundtable meeting.
3. Adopt a resolution at the April 2011 regular meeting to implement new meter rates and establish a policy that all parkers in off-street parking lots shall pay the same fee except for vehicles of disabled individuals equipped with ramps, lifts, or hand controls or have a Florida toll exemption permit.
4. Adopt a resolution at the April 2011 regular meeting authorizing staff to apply for an FDOT permit to install single space meters on Commercial Boulevard west of Seagrape.

FISCAL IMPACT AND APPROPRIATION OF FUNDS: Explained above.

Exhibits: 1. Parking Survey Report
 2. Disabled Parking Exemption
 3. Florida Highway Safety and Motor Vehicles' FAQ
 4. Table of Meter Locations

Reviewed by Town Attorney
 Yes No

Town Manager Initials CA



Exhibit 1

MEMORANDUM

TO: Bud Bentley, Assistant Town Manager
FROM: Fred Bredemeyer
RE: Lauderdale by the Sea Parking Rates
Date: March 11, 2011

As requested, I have reviewed your parking rates, compared the rates with comparable municipalities and developed recommendations for your consideration. The recommendations contained herein will promote business and economic activity by creating available on-street parking.

BACKGROUND

On-street parking rates and off-street parking rates should be set to achieve different objectives. Since the invention of the parking meter in 1930, on-street parking rates have been used to encourage shortened lengths of stays and foster turnover. Through pricing, on-street parking spaces are designed for short, quick visits to an area.

For on-street parking spaces to meet this intended objective, there must be adequate and properly priced off-street parking to accommodate the longer duration parker. These are usually surface lots slightly farther away from the area they serve. In order for a parking system to function effectively, on-street and off-street parking must complement each other to solve the supply and demand equation of a given area.

Current Hourly Parking Rates

Street Meters

Beach District	\$1.00
Bougainvillea Drive	\$1.00
Commercial Blvd Business District	\$0.25

Parking Lots

A1A Lot \$1.00 & Wings Lot	\$1.25
EI Mar Lot	\$1.00
EI Prado Lot	\$1.00
Town Hall Lot	\$1.00



The Leader in Parking Solutions

Rate Comparison Table

City	Lower Limit			Higher Limit		
	One Hour Rate	\$ Dev. from AVG.	% Dev. from AVG.	One Hour Rate	\$ Dev. from AVG.	% Dev. from AVG.
Clearwater	0.25	(0.14)	-36%	1.25	0.13	11%
Deerfield Beach			0%	1.50	0.38	33%
Delray Beach			0%	1.00	(0.13)	-11%
Fort Lauderdale	0.50	0.11	27%	1.75	0.63	56%
Fort Meyers	0.25	(0.14)	-36%	0.50	(0.63)	-56%
Hollywood	0.50	0.11	27%	1.50	0.38	33%
Jacksonville			0%	0.50	(0.63)	-56%
Fort Meyers	0.25	(0.14)	-36%	0.50	(0.63)	-56%
Lauderdale by the Sea	0.25	(0.14)	-36%	1.00	(0.13)	-11%
Palm Beach				2.00	0.88	78%
Dania Beach				1.25	0.13	11%
West Palm Beach	0.75	0.36	91%	1.25	0.13	11%
St. Pete Beach				1.00	(0.13)	-11%
AVG	0.39			1.13		
MODE	0.25			1.25		
MEDIAN	0.25			1.13		



The Leader in Parking Solutions

Proposed Hourly Rates

1. Beach District: \$1.25 – \$1.50

This area is typically heavily congested and on-street parking spaces are difficult to obtain most hours of the day. A rate of \$1.25 is recommended immediately and an additional increase to \$1.50 is recommended for the next fiscal year.

Street meters should be higher than parking lots thus encouraging parkers to use the parking lots rather than circling the block looking for a parking space. This on-street/off-street rate differential is not enough to discourage short term parkers from visiting the area. It is enough, however, to discourage employees or other long term parkers from “meter feeding” and parking for extending periods of time.

2. Bougainvillea Drive \$1.25 - \$1.50

These prime on-street spaces should be priced higher than the adjacent A1A Parking Lot thus encouraging the longer-term parker to use the lot and leaving the street parking for turn over parking for the area businesses.

3. Commercial Blvd Business District \$0.50

The area of Fort Lauderdale directly west of Lauderdale by the Sea on Commercial Blvd. charges \$0.50 per hour for similar spaces. These meters should be raised to \$0.50/HR. Successful parking policy has proven these rates will not drive away the intended user. The general public will not choose their shopping destination based \$0.25/HR rates vs. \$0.50 rates. They will, however, choose their shopping destination based on the availability of a space.

4. A1A Lot \$1.00 - \$1.25

The demand for this lot is not as high as other areas so the rate should remain at \$1/hour for now. On October 1, when the 2nd phase of this rate increase is implemented, rates here should increase to \$1.25/HR.

5. Wings Lot

This lot should be priced identical to the A1A lot.

6. EI Mar Lot \$1.25 - \$1.50

This lot is a high demand lot and the rates should reflect those of the core business area: \$1.25/HR immediately and \$1.50/HR on October 1, 2011.

7. EI Prado Lot \$1.00 \$1.50

During the day and on weekends, the demand for this lot is very high and in the evenings, the demand lowers. Variable rate pricing based on the time of day should be considered for this lot. During the day and on weekends, beachgoers should pay \$1.25 – \$1.50 per hour. During the evenings, a lower rate of \$1.00 should reflect the lower demand of that



Exhibit 1

time. Therefore, the daytime rate of \$1.25 is recommended immediately and should be raised to \$1.50 on October 1, 2011. The evening rate of \$1.00 should remain the same for the near future.

8. Town Hall Lot \$1.25 - \$1.50

This lot should remain free from Monday – Friday but on weekends, the rate should mirror the El Prado Lot: \$1.25/HR immediately and \$1.50 HR on October 1, 2010.

The financial impact of these suggested rates for 2011 and 2012 is detailed in the following tables.

2011 Projections with April 1 Increase

310 Parking Fund	2010 Actual	Current Hourly Rate	April 1 Rate	1 Year Impact	April - Sept. Impact	2011 Projection
Parking Permits	\$ 55,317			-	-	55,317
Beach Parking Meters	14,772	1.00	1.25	3,693	1,847	16,619
El Prado Parking Lot *	126,103	1.00	1.25	22,068	11,034	137,137
After 6 PM		1.00	1.00	-	-	-
Town Hall Parking Meters	15,708	1.00	1.25	3,927	1,964	17,672
Business District Meters	202,338	1.00	1.25	50,585	25,292	227,630
Commercial Blvd. Meters	17,091	0.25	0.50	17,091	8,546	25,637
El Mar Parking Lot	56,321	1.00	1.25	14,080	7,040	63,361
A1A Parking Lot	22,361	1.00	1.00	-	-	22,361
	<u>\$ 510,011</u>			<u>\$111,444</u>	<u>\$ 55,722</u>	<u>\$665,733</u>

* The El Prado Lot rates will increase only for the daily traffic. The evening traffic will be charged the current \$1/HR rate to encourage use of this lot for parking for the entertainment district. It is estimated that 70% of the current income is from daily traffic. Therefore, this rate increase is only applied to 70% of the revenue.



2012 Projections with October 1 Increase

310 Parking Fund	9/30/11 Hourly Rate	Oct. 1 Rate	1 Year Impact	2012 Projection
Parking Permits			-	55,317
Beach Parking Meters	1.25	1.50	3,693	22,158
El Prado Parking Lot *	1.25	1.50	22,068	132,408
After 6 PM	1.00	1.00		-
Town Hall Parking Meters	1.25	1.50	3,927	23,562
Business District Meters	1.25	1.50	50,585	303,507
Commercial Blvd. Meters	0.5	0.50	-	34,182
El Mar Parking Lot	1.25	1.50	14,080	84,482
A1A Parking Lot	1.00	1.25	5,590	27,951
			\$99,943	\$68,564
				Increase from 2011 \$117,884

Additional Meter Opportunities

Additional meter opportunities exist on Commercial Boulevard west of Sea Grape Drive where parking spaces are located with no meters. A rate adjustment for the metered areas on both sides of Commercial will increase demand for these spaces. It is recommended that these spaces be metered to regulate the area for the benefit of the business owners. Located directly on Commercial, these spaces are extremely convenient for quick visits into local businesses. To encourage this use, and discourage it is recommended these meters are priced at \$0.75 -\$1.00 per hour.

These areas are highlighted in the following photos:

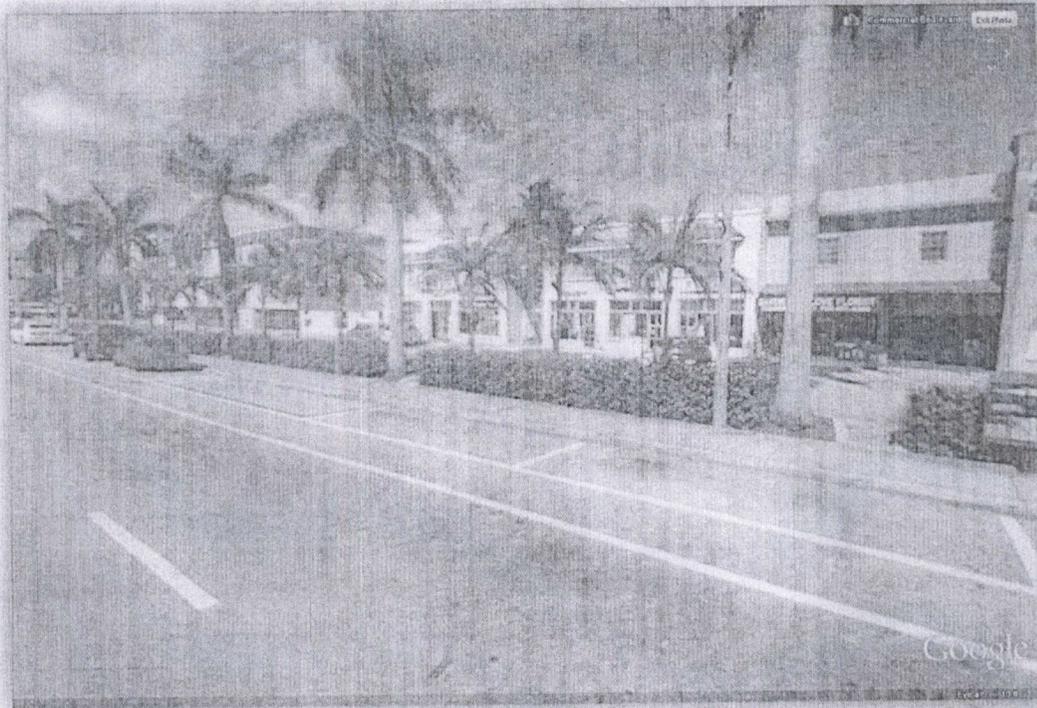
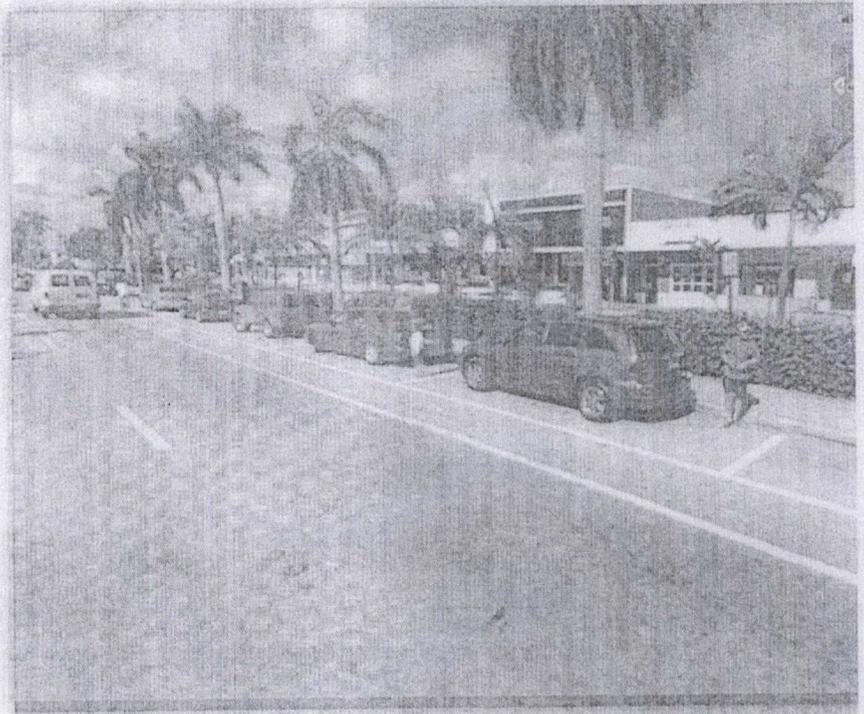




Exhibit 2

MEMORANDUM

TO: Bud Bentley, Assistant Town Manager
FROM: Fred Bredemeyer
RE: Disabled Parking Exemption
Date: March 7, 2011

Section 316.1964 of the Florida's Uniform Traffic Control is listed below. As we discussed, this statute allows a municipality to charge disabled parking placard holders for parking in off-street facilities and limit free parking in on-street parking meters to 4 hours. Please notice that per this statute parking is always free when a vehicle is equipped with specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability, or any vehicle that is displaying the Florida Toll Exemption permit.

A survey of other municipal and government entities throughout South Florida follows as well. Please note that most of these entities charge disabled parkers in off-street facilities. The exception is Miami Dade County which has a county ordinance that restricts any municipality from charging disabled persons.

Based on this information, it is recommended that Lauderdale by the Sea begin limiting free parking in on-street meters to 4 hours with a properly displayed placard and limit free parking in off-street facilities only for vehicles with the Florida Toll Exemption permit or specialized equipment.



charge for parking in a facility or lot that provides timed parking spaces any vehicle that displays a disabled parking permit, except that any vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability, or any vehicle that is displaying the Florida Toll Exemption permit, is exempt from any parking fees.

History.--s. 1, ch. 71-135; s. 1, ch. 76-31; s. 1, ch. 77-83; s. 3, ch. 79-82; s. 23, ch. 90-330; s. 5, ch. 96-200; s. 3, ch. 98-202.

Note.--Former s. 316.163.

Florida Toll Exemption Permit

Florida Disabled Toll Permit Program was created in 1988 because some disabled drivers expressed concern with their inability to toss coins into the toll baskets on Florida's toll roads. The legislature passed this legislation with the intent to eliminate these barriers for disabled drivers. Since this legislation passed, approximately 4000 disabled drivers have been issued permits.

Vehicle Identification

Vehicles with specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability

- The Vehicle.
- Regular Blue Disabled Decal.

Florida Toll Exemption Permit

- Disabled persons receive an orange sticker. This sticker must be adhered to the inside of the lower left hand corner (driver's side) of the windshield.
- Disabled persons can also purchase a non-revenue SunPass for \$26.50.



Off-Street Disabled Parking Practices throughout Florida

Most governmental agencies in the State of Florida charge disabled persons for parking in surface lots and garages.

Fort Lauderdale-Hollywood International Airport (FLL)

Persons operating vehicles that display a Florida Toll Exemption permit, or that are equipped with specialized equipment for utilization by a person who has a disability, such as foot or hand controls, lifts or ramps, are provided with courtesy parking, subject to Aviation Department verification procedures.

Port of Everglades

In 1996 the Broward County Board of Commissioners, acting under authority of Florida Statute 316.1959, elected to charge disabled patrons of the Port Everglades parking facilities the same fees as are applied to all other patrons. Any vehicle with specialized equipment such as ramps, lifts, or foot or hand controls, for use by the person who has a disability, or any vehicle that is displaying the Florida Turnpike Toll Exemption sticker, is exempt from any parking fees in Port Everglades.

City of West Palm Beach

Disabled persons pay regular rates in garages and surface parking lots unless a toll exemption card is displayed.

City of Orlando

Regular rates apply in garages and surface parking lots unless a toll exemption card is displayed (Vehicles with specialized equipment such as ramps, lifts, foot or hand controls for use by a person who has a disability or a vehicle that otherwise displays FL Toll Exemption Permit) are not required to pay in lots or garages.

City of Tampa

The City of Tampa charges disabled persons for parking at the off-street locations.

Port of Tampa

The Tampa Port Authority charges disabled persons for parking.

Port Canaveral Cocoa Beach

The Port of Canaveral Cocoa Beach has special areas designed for parking for the disabled, however Port Canaveral does not provide free parking unless it is: (1) a vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability, or (2) a vehicle that is displaying the Florida Toll Exemption permit.

Port Cruise Terminal, Jacksonville, Florida

JAXPORT provides designated handicapped parking spaces. Florida Statute allows cruise terminals to charge for handicapped parking, "except any vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability, or any



Exhibit 2

Page 5

vehicle that is displaying the Florida Toll Exemption permit, is exempt from parking fees". (Per Florida Statute 316.1964).

Southwest Florida International Airport, Fort Myers

Free parking is allowed only for vehicles equipped with specialized equipment such as ramps, wheelchair lifts and hand controls, or for vehicles with Florida Toll Exemption Permits.

Pensacola Regional Airport

Persons operating vehicles that display a Florida Toll Exemption Permit or that have been specially modified or equipped for operation by a person who has a disability such as foot or hand controls, lifts or ramps, will be provided with courtesy parking.

City of Clearwater

Vehicles parked in a cashier-operated facility or parking garage must pay unless they have a Florida Toll Exemption or a specially equipped vehicle (ramps, lifts, hand controls).

Miami Dade County

Section 30-388.2 of Article II of Miami Dade County's Code states the following:

Free public parking for the physically disabled.

Any motor vehicle which is qualified to park in a specially marked parking space designated for the physically disabled pursuant to Article II of this chapter shall be permitted to park in any public parking space in Miami-Dade County without incurring a fee for parking. For purposes of this section, the term "public parking space" shall mean a parking space provided by Miami-Dade County and each municipality within Miami-Dade County, and each agency, instrumentality and authority thereof.

(Ord. No. 87-42, § 1, 6-16-87)

Exhibit 3

Florida Department of Highway Safety and Motor Vehicles - <http://www.flhsmv.gov/dmv/faqdpp.html>

FAQ on Disabled Parking Placards

- How do I get a disabled parking permit? Who is eligible?
- Will everyone with a disabled parking permit be able to park for free at meters?
- What are the guidelines for charging a person to park whose vehicle displays a disabled parking permit under the new law?
- What is the limit on the number of days I can park using my disabled parking permit?
- What are the requirements for the size of the disabled parking spaces?
- Who will enforce the spaces?
- What new requirements will assist with enforcement?
- What new requirements are in place to deter physicians from signing applications for people who are not eligible?
- What will be done if someone uses a family members' permit or person uses a permit that does not belong to them?

How do I get a disabled parking permit? Who is eligible?

You must submit application form HSMV 83039, signed by a physician, to your local tax collector's office with appropriate payment. In addition to the completed form, be sure to bring a copy of your Florida driver license or Florida identification card.

After you have been issued a parking permit, you will receive a renewal notice before your next expiration date.

If you have any questions concerning the parking permit program, you may call your local county tax collector's office or Customer Service Center at (850) 617-2000.

Will everyone with a disabled parking permit be able to park for free at meters?

Anyone with a disabled parking permit who parks on the street at a turnstile meter will continue to park for free. However, there are new time restrictions; 4 hours maximum. The law also allows local municipalities to exceed the 4 hours maximum by local ordinance.

What are the guidelines for charging a person to park whose vehicle displays a disabled parking permit under the new law?

The law allows municipalities to remove free parking in the following settings: government lots that are used for entertainment, such as convention centers, cruise port terminals, sports stadiums, sports arenas, coliseums and auditoriums along with airports and city or municipal garages.

When free parking is removed as described above, the law requires the free parking be maintained only for those vehicles with ramps, lifts, hand controls or State of Florida toll exemption permits.

What is the limit on the number of days I can park using my disabled parking permit?

The new law allows facilities to restrict the number of days (in a row) a vehicle may be parked with a permit, if the number of days is being restricted for the general public.

What are the requirements for the size of the disabled parking spaces?

All disabled parking spaces are required to be 12 feet wide with a 5-foot access aisle by October 1, 1997. A 5-foot access aisle may be shared by two accessible spaces. The law also requires the space to have the signage and painting properly maintained.

Who will enforce the spaces?

The law allows a law enforcement officer, parking enforcement specialist and the owner or lessee of the space that finds a vehicle in violation to have the vehicle towed. The officer or enforcement specialist has the option of writing a ticket for the violation. All violations will be recorded by the local clerk and submitted to the Department of Highway Safety and Motor Vehicles for input into a statewide computer. This will allow the courts to place stiffer penalties on those drivers who are repeat offenders, which can also include 40 hours of community service with a program that serves people with disabilities.

Exhibit 3

What new requirements will assist with enforcement?

Access aisles are now a no parking zone for all vehicles whether the vehicle is displaying a disabled parking permit or not. The fine for parking in an access aisle is the same for the disabled parking space, most commonly \$250. The placement of the identification number on the permit will allow the enforcement entity to request the identification card or driver license. They can then match the number on the ID to the number on the permit, and match the picture on the ID to the person using the permit. If anything does not match, a ticket will be written.

What new requirements are in place to deter physicians from signing applications for people who are not eligible?

The application will warn all applicants and physicians that the permits are only for those people who are severely mobility impaired. Any physician who signs an application for someone who is not eligible can be fined \$1,000 or one year in jail or both. All applications will now be tracked by computer and the number signed by specific physicians can be reviewed. Any person who applies and is not eligible can be fined the same as a physician.

What will be done if someone uses a family members' permit or person uses a permit that does not belong to them?

Anyone who obtains or uses a permit that does not belong to them can be charged with a second degree misdemeanor - \$1000 fine or up to 6 months in jail. Improper use of the permit is now twice the fee of a disabled parking violation. This should deter people from loaning their permits to family members. It does not matter if you are running an errand for the person with a disability. If the person with a disability is not present -- the fine is \$1000.

Parking Inventory

Exhibit 4

Location	Meters	HC Spaces	Employee	Non-metered	Motorcycles	Resident	Total	Space Numbers		
								Beginning	Ending	
Parking Spaces										
Oceanfront Area										
A1A - east side of A1A, N of Comm	6	1					7			
A1A - east side of A1A, S of Comm	7	1					8			
Commercial Boulevard										
Pavilion to El Mar	10	2					12			
100 block - north side	13						13			
100 block - south side	11						11			
El Mar Drive										
North of Square	20						20			
South of Square	24						24			
Total in Waterfront	91	4	0	0	0	0	95	100	199	
% of metered spaces								17%		
Washingtonia Portal	5	1					6			
Washingtonia 100 block	10						10			
Hibiscus Portal	7						7			
Hibiscus 100 block	6						6			
Datura Portal	9	1					10			
Datura 100 block	10						10			
	47	2	0	0	0	0	49	10	99	
Total Beach Meters	138	6	0	0	0	0	144			
% of metered spaces								26%		
Parking Lots										
A1A Parking Lot	75	4			4		83	300	399	
El Mar Parking Lot	24	1					25	200	224	
El Prado Lot	86	4				6	96	401	486	
Town Hall	22	2		3			27			
Parking Lots	207	11	0	3	4	6	231			
% of metered spaces								39%		
Municipal Park										
Bougainville Drive 4100 block	9			6		23	31			
Bougainville Drive 4300 block (S of Comm)	4						4			
Bougainville & Poinciana Drive 4400 block (N of Comm)	32	1					33			
Datura 200 block (W of Comm)	6						6			
Street Meters	51	3	0	6	0	23	83			
% of metered spaces								10%		
Commercial Boulevard Business District (Bridge to Seagrape)										
W Tradewinds (E of Blue Moon)	12						12			
W Tradewinds to E Tradewinds - North	23	3		9			35			
E Tradewinds to Seagrape - North	29	3		9			41			
W Tradewinds to E Tradewinds - South	12	2		12			26			
E Tradewinds to Seagrape - South	19	2		10			31			
E Tradewinds 4300 block (S of Comm)	29						29			
Seagrape 4300 block (S of Comm)	12						12			
CBD	136	10	0	40	0	0	186	600		
% of metered spaces								26%		
Employee Lots										
Harbor Drive (E of Seagrape)				12			12			
Seagrape (N of Comm)				18			18			
E Tradewinds (N of Comm)				21			21			
Employee Lots	0	0	51	0	0	0	51	899		
% of metered spaces								0%		
Total Parking Spaces	532	30	51	49	4	29	695			
	562									
Distribution	77%	4%	7%	7%	0.6%	4.2%	100%			