



# AGENDA ITEM REQUEST FORM

**Town Manager's Office**

**Bud Bentley**

Department Submitting Request

Assistant Town Manager 

**REGULAR**  
**COMMISSION MTG**  
**Meeting Dates - 7:00 PM**

**DEADLINE TO**  
**Town Clerk**

**ROUNDTABLE**  
**MEETING**  
**Meeting Dates - 7:00 PM**

**DEADLINE TO**  
**Town Clerk**

**May 24, 2011**

- |                                       |   |                                       |   |
|---------------------------------------|---|---------------------------------------|---|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports        | <input type="checkbox"/> Consent      | <input checked="" type="checkbox"/> Ordinance – 2 <sup>nd</sup> Reading |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Quasi Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business                                   |

**SUBJECT TITLE: Second Reading of an Ordinance Amending Chapter 19 – Traffic and Motor Vehicles, of the Town Code.**

**EXPLANATION:** The Commission reviewed the proposed changes at the April 12, 2011 Roundtable meeting and approved the proposed ordinance on first reading at the April 27, 2011 meeting.

The attached ordinance (**Exhibit 1**) reflects the Commission's direction to delete the proposed change to Section 19-25(g) which would have allowed more than two motorcycles to park in a parking space. In addition, we have transferred subsection 19-25(g) from Time-Restricted Parking (Section 19-25) to Parking Restriction (Section 19-22) where it becomes 19-22(i).

### Summary of Changes

This ordinance updates Chapter 19 of the Code to accomplish the following:

1. Improve readability, remove conflicts and update terminology in Chapter 19 of the Code.
2. Section 19-4, Subsection (a) increases the late fee on parking tickets from \$12.00 to \$15.00, increases the payment time from ten (10) days (excluding weekend and holidays) to twenty-one (21) calendar days, and adds an additional \$20 late fee for fines not paid within forty-five (45) days.
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. (The change excludes business owners who are not residents.)
  - b. 19-26(c) Beach Permits have been deleted based on the previous direction of the Commission.
  - c. 19-26(d) Hardship Permits. Provides for properties with hardship permits to be able to buy visitor parking permits excluding hotels. Each property would be limited to 15 days per year per permit and would purchase the permits for specific dates.

4. Parking Time Limits.

Oceanfront Center: Increase the 2-hour daytime limit to 3-hours between the hours of 5 a.m. and 5 p.m. At the end of 3-hours you have to move your car and if you don't, you will be ticketed for staying past the time limit even if you have added money to the meter. The recommendation for a daytime 3-hour limit is new since the Roundtable



After 5 p.m., no time limit applies.

We will track the data for six months; then revisit with the businesses and, if there are problems, report to the Commission.

- 5. Parking east of El Mar. Section 19-25(f) has been modified to allow the use of certain hardship permits to park east of El Mar after 9:00 p.m. when approved by the Commission and to allow parking by the public on Friday and Saturday night until 11:00 p.m.
- 6. One other matter addressed in the Ordinance deals with the rates for disabled parking permits. State law provides that on-street parking is free for up to four hours for persons with a Disabled Parking Placard, 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. Changes have been proposed accordingly in Section 19-30(d).

The following edits were completed following the April 12, 2011 Roundtable and were approved on first reading of the Ordinance on April 27<sup>th</sup>:

- 1. Page 3, starting on line 64 –The delinquent date has been changed to twenty-one (21) days and the second date to forty-five (45) days.
- 2. Page 6, starting on line 171 - The definition of swale has been modified to include all surfaces from the travel lane to the sidewalk or property line.
- 3. Page 11, starting at line 381 – The subsection on how meter and spaces are to be used and the definition of overtime parking was moved to this section from section 19-21.
- 4. Page 13, starting at line 431 – The Town manager may establish a shorter time limit at specific meters.
- 5. Page 13, starting at line 456 – Three hour limit in the Oceanfront Center between 5 am and 5 pm.
- 6. Page 14, starting at line 478 – Added the extended parking hours on Friday and Saturday to 11 pm and that hardship permits may be approved at a Portal between 9 pm and 9 am.

**Recommendation:** We recommend passage of the Ordinance No. 2011-09 (Exhibit 1) on second reading with the transfer of subsection 19-25(g) to Section 19-22, Parking Restriction where it becomes 19-22(i).

**FISCAL IMPACT AND APPROPRIATION OF FUNDS:** Nominal impact from the change in the late fees.

Exhibit:

- 1. Proposed Ordinance No. 2011-09

Reviewed by Town Attorney  
 Yes     No

Town Manager Initials CA

File: AC Parking Code Ord 2011-09 May24 2nd reading

**Exhibit 1: 2<sup>nd</sup> Reading**

**ORDINANCE 2011-09**

**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 19, OF THE CODE OF ORDINANCES, TO AMEND PARKING REQUIREMENTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE**

**WHEREAS**, the Town Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town’s Code is current and consistent with the Town’s regulatory needs; and

**WHEREAS**, the Town Commission desires to revise the Code applicable to the use, regulation and enforcement of on-street parking and parking in Town parking facilities; and

**WHEREAS**, the Town Commission conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the Town Commission has determined that this Ordinance is consistent with the Town’s Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**

**SECTION 1. Recitals.** The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

**SECTION 2. Amendment.** Chapter 19 of the Code of Ordinances is hereby amended as follows<sup>1</sup>:

**Chapter 19 – Traffic and Motor Vehicles**

<sup>1</sup> Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~. Additions between first and second reading area shown in yellow highlight and double underline. Deletions to existing or previously proposed text between first and second reading are shown in ~~yellow highlight and double strikethrough~~.

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

25 **ARTICLE I. - IN GENERAL**

26 Sec. 19-1. - Adoption of Florida Uniform Traffic Control Law.

27 Sec. 19-2. - Adoption of Florida Uniform Disposition of Traffic Infractions Act.

28 Sec. 19-3. - Supplying parking violation information to the State.

29 ~~Secs. 19-4—19-20. - Reserved.~~

30 Secs. 19-4— Enforcement of Traffic and Parking Regulations.

31 Secs. 19-5—19-20. - Reserved.

32

33 **Sec. 19-1. - Adoption of Florida Uniform Traffic Control Law.**

34 There is hereby adopted by reference the Florida Uniform Traffic Control Law, F.S. ch. 316, as  
35 amended, which law shall be in full force and effect in the Town as if fully set forth herein, and  
36 shall be considered as part of this Code.

37 **Sec. 19-2. - Adoption of Florida Uniform Disposition of Traffic Infractions Act.**

38 There is hereby adopted by reference the Florida Uniform Disposition of Traffic Infractions Act,  
39 F.S. ch. 318, as amended, which act shall be in full force and effect in the Town as if fully set  
40 forth herein, and shall be considered as part of this Code.

41 **Sec. 19-3. - Supplying parking violation information to the State.**

42 The Town of Lauderdale-By-The-Sea shall supply the Florida Department of Safety and Motor  
43 Vehicles, or any successor department performing substantially the same duties, a list of persons  
44 who have three or more outstanding parking violations, or one or more outstanding parking  
45 violation(s) of F.S. §§ 316.1955, 316.1956 or any Town ordinances which regulate parking in  
46 spaces for persons with disabilities. The information may be supplied to the Florida Department  
47 of Highway Safety and Motor Vehicles in any communication format approved by it or State  
48 statute.

49 **Sec. 19-4. Enforcement of Traffic and Parking Regulations.**

50 (a) Enforcement.

51 (1) Violations pertaining to the improper parking or storage of a motor vehicle shall be  
52 in conformity with the provisions of the Florida Uniform Traffic Laws as provided  
53 in Florida Statutes.

54 (2) A violation(s) of this section shall be prosecuted in accordance with Chapter 162,  
55 Florida Statutes, or through any other supplemental municipal code or ordinance

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

56 enforcement procedures available to the Town under the Florida Statutes, this Code,  
57 or both.

58 (3) Any violation of this section shall constitute a nuisance. The Town Attorney may  
59 bring suit on behalf of the Town, or any affected citizen may bring suit in his/her  
60 name against the person or persons causing or maintaining the violation, or against  
61 the owner/agent of the building or property on which the violation exists. Relief  
62 may be granted according to the terms and conditions of F.S. ch. 60, entitled  
63 Abatement of Nuisances.

64 (4) Parking violations are to be paid within twenty-one (21) calendar days from the date  
65 of issuance of a citation.

66 (5) Parking violation fines for which full payment is not received within twenty-one  
67 (21) calendar days from the date of issuance will be subject to a fifteen dollar  
68 (\$15.00) penalty in addition to the citation fine for each citation issued.

69 (6) Parking violation fines and penalties for which full payment is not received within  
70 forty-five (45) calendar days from the date of issuance will be subject to an  
71 additional twenty dollar (\$20.00) penalty, for a total penalty of thirty-five dollars  
72 (\$35.00), in addition to the citation fine for each citation issued.

73 (7) Pursuant to F.S. § 938.35, parking violation fines and penalties for which full  
74 payment is not received within ninety (90) calendar days from the date of issuance  
75 will also be subject to an additional collection fee if the account is referred to a  
76 private attorney or a collection agent registered pursuant to F.S. chapter 559, either  
77 retained by the town to pursue the collection of such unpaid financial obligations.  
78 The amount of such collection fee shall not exceed forty (40) percent of the amount  
79 owed at the time the account is referred to the attorney or agents for collection, or in  
80 the actual amount charged by such private attorney or agents for collection,  
81 whichever is less.

82 (8) In the case of overpayment of a parking violation fine and penalty, no refund shall  
83 be made if payment of any other delinquent citation is due and owing on any  
84 vehicle owned by the same registered owner of the vehicle. The town shall apply  
85 such credit balance to the oldest outstanding delinquent citation first.

86 (b) Overtime, permit or restricted parking—Penalty and enforcement.

87 The penalty for overtime parking or for parking in any space requiring a permit, or for  
88 any space that may be restricted in any manner, shall be \$25.00.

89 (c) Citation dismissal.

90 The Town Manager or his/her designee may dismiss parking citations under certain  
91 extenuating circumstances. These circumstances may include, but are not limited to, an  
92 improperly displayed permit or meter receipt when a valid permit or receipt is later produced for

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

93 disabled vehicle; verified official city business; ambulance transport; police department  
94 undercover vehicles; utility service providers; error in the information on the citation; or verified  
95 meter malfunction.

96 ~~Secs. 19-4—19-20. - Reserved.~~

97 ~~Secs. 19-5—19-20. - Reserved.~~

98

### 99 **ARTICLE II. - PARKING, STOPPING OR STANDING**

100 Sec. 19-21. - Parking or storage of motor vehicles and vessels.

101 Sec. 19-22. - Parking restrictions.

102 Sec. 19-23. - Swale parking restrictions.

103 Sec. 19-24. - Parking and storage on unpaved surfaces prohibited.

104 Sec. 19-25. - Time-restricted parking.

105 Sec. 19-26. - Parking permits.

106 ~~Sec. 19-27. - Overtime, permit or restricted parking—Penalty and enforcement. Parking~~  
107 ~~Sponsorship Program~~

108 Sec. 19-28. - Metered parking rates.

109 Sec. 19-29. - Waivers.

110 Sec. 19-30. - Parking for disabled persons.

111 ~~Sec. 19-31. - Hearing Officers~~Special Magistrates.

112 Sec. 19-32. - Request for hearing; notice of hearing.

113 Sec. 19-33. - Hearing procedures.

114 Sec. 19-34. - Contest by mail.

115 ~~Sec. 19-35. - Orders and judgments of Hearing Officer~~Special Magistrate.

116 ~~Sec. 19-36. - Appointment of Parking Enforcement Administrator.~~

117 ~~Secs. 19-367—19-40. - Reserved.~~

118

119 **Sec. 19-21. - Parking or storage of motor vehicles and vessels.**

120 (a) *Definitions.* For purposes of this section, the following definitions shall apply unless the  
121 context clearly indicates or requires a different meaning.

122 (1) ***Commercial motor vehicle or commercial vehicle*** means any motor vehicle that  
123 has one or more of the following characteristics:

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

- 124 a. Weighs in excess of 10,000 pounds. The weight of the vehicle as listed on  
125 the vehicle registration is prima facia evidence of the weight of the  
126 vehicle;
- 127 b. Is designed to transport more than ten people;
- 128 c. Is used in commerce;
- 129 d. Displays lettering, signs or advertising identifying a business or other non-  
130 personal use of any kind;
- 131 e. Possesses built-in, exterior storage compartments;
- 132 f. Holds tools, equipment, supplies or any other material, refuse or debris  
133 that is clearly visible; or
- 134 g. Has fixtures or attachments on the exterior of the vehicle utilized to hold  
135 tools, supplies or equipment; or
- 136 h. Is otherwise defined by reference to F.S. ch. 320, as a truck/tractor, semi-  
137 trailer, bus, ambulance, trailer, wrecker, hearse or truck, except that pick-  
138 up trucks are not prohibited unless it otherwise falls within one of the  
139 classifications of commercial vehicle as provided herein.
- 140 i. The definition of commercial vehicle shall not include a vehicle owned by  
141 ~~the Town, the Volunteer Fire Department, or any a governmental agency~~  
142 ~~which provides emergency services in the Town.~~
- 143 (2) ***East zone*** includes all property east of the western property line of those  
144 properties abutting State Road A-1-A to the west.
- 145 (3) ***For-hire vehicle*** means any vehicle when used for transporting persons or goods  
146 for compensation.
- 147 (4) ***Motor home*** means a movable structure designed for use as a temporary or  
148 permanent place of dwelling.
- 149 (5) ***Motor vehicle*** means any self-propelled vehicle, including a motorcycle, not  
150 operated upon rails or guideway, but not including any bicycle, motorized scooter,  
151 electric personal assistive mobility device, or moped.
- 152 (6) ***Overnight Parking*** means parking between the hours of midnight and 5:00 am.
- 153 (57) ***Personal watercraft*** means any vessel which uses an outboard motor, or an  
154 inboard motor powering a water jet pump, as its primary source of motive power  
155 and which is designed to be operated by a person sitting, standing, or kneeling on,  
156 or being towed behind the vessel, rather than in the conventional manner of sitting  
157 or standing inside the vessel. The term "personal watercraft" shall include, but is  
158 not limited to, those vessels commonly referred to as jet skis, wave runners, sea  
159 doos or surf rockets. The term "personal watercraft" shall not apply to any such  
160 vessel operated by a governmental agency which provides emergency services.

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

- 161 (68) **Recreational vehicle** means any vehicle or portable structure designed primarily  
162 to provide temporary living quarters for recreation, camping or travel use either a  
163 vehicular structure mounted on wheels, self-powered or designed to be pulled by  
164 another vehicle or a structure designed to be mounted upon and carried by another  
165 vehicle. This definition includes, but is not limited to, any vehicle listed below as  
166 may be further defined by reference to Florida Statutes as a travel trailer, camping  
167 trailer, camp bus or house bus, truck camper, motor home, mobile home, motor  
168 coach, or fifth-wheel trailer.
- 169 (79) **Registered vehicle or registered vessel** shall mean any vehicle or vessel that is  
170 issued a current State-issued certificate of registration.
- 171 (10) **Swale** means the area between a travel lane and the sidewalk or private property  
172 line, whichever is closest.
- 173 (811) **Trailer** means any vehicle without motive power designed to be coupled to or  
174 drawn by a motor vehicle and constructed so that no part of its weight or that of  
175 its load rests upon the towing vehicle.
- 176 (912) **Vessel** includes every description of boat, watercraft, barge and airboat used or  
177 capable of being used as a means of transportation on water.
- 178 (1013) **West zone** shall be from the western property line of those properties abutting  
179 State Road A-1-A to the west extending to the western boundary of the Town.
- 180 (b) **Restrictions and prohibitions.** In the east and west zones as defined in this section,  
181 vessels, commercial vehicles and recreational vehicles are prohibited and restricted as  
182 hereinafter set forth.
- 183 (1) Commercial vehicles, recreational vehicles and vessels are prohibited from being  
184 parked overnight in a metered parking space within the Town.
- 185 (2) Unregistered commercial vehicles, recreational vehicles or vessels are prohibited  
186 from being parked or stored within the boundaries of the Town unless wholly  
187 enclosed within a garage.
- 188 (3) East zone.
- 189 a. Registered commercial vehicles or recreational vehicles must comply with  
190 the following:
- 191 1. At all times, the vehicle must fit within the single parking space  
192 within which it is parked unless it is parked in a private parking lot  
193 obscured from view from the street and neighboring properties.
- 194 2. The vehicle cannot protrude into a side or rear setback, sidewalk or  
195 right-of-way.
- 196 3. The vehicle must be parked on concrete, asphalt, or some other  
197 type of impervious ground cover as approved by the Town and  
198 may not be parked, stored, or maintained on the grass.

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

- 199  
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- 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:
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1. Vessels, personal watercraft and their trailers are prohibited from protruding into a sidewalk or right-of-way.
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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.
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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.
- 211  
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- c. No commercial vehicle, recreational vehicle, vessel, personal watercraft or trailer shall be parked, stored or maintained:
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1. So as to be visible from Bougainvilla Drive;
2. On any portion of the public or private beaches.
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- ~~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.~~
- 223 (4) West zone.
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- 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.
- 229  
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- 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.
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- 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.

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

- 236 d. A for-hire vehicle utilized for the temporary moving of personal property  
237 may be parked in view overnight, with a temporary permit issued by the  
238 Town, not to exceed three nights.
- 239 e. Registered vessels, personal watercraft and their trailers may be parked,  
240 stored or maintained in the west zone of the Town on private property with  
241 the consent of the owner, subject to the following conditions:
- 242 1. Neither the vessel nor its trailer may protrude into a side or rear  
243 setback. The enforcement of this provision shall be deferred until  
244 January 25, 2001 for any vessel owned prior to July 1, 2000  
245 provided said vessel is registered with the Town Police Department  
246 prior to July 1, 2000.
- 247 2. The vessel, personal watercraft or vehicle must be wholly enclosed  
248 within a garage ~~or enclosed within a garage~~ or enclosed within a  
249 carport surrounding the vessel or vehicle on three sides and the  
250 vessel, personal watercraft or vehicle does not protrude from the  
251 carport. The enforcement of this provision shall be deferred until  
252 January 25, 2001 for any vessel owned prior to July 1, 2000  
253 provided said vessel is registered with the Town Police Department  
254 prior to July 1, 2000.
- 255 3. The vessel and its trailer must be parked on concrete, asphalt or  
256 some other type of impervious ground cover as approved by the  
257 Town and may not be parked, stored or maintained on the grass.
- 258 4. Vessels under 21 feet in length and under ten feet in height and  
259 personal watercraft may be stored in the rear of the private property  
260 only if it is covered and cannot be seen from the street or the  
261 neighboring properties.
- 262 f. A recreational vehicle or trailer may be parked overnight for no more than  
263 three consecutive days, twice in any calendar month, and then only when  
264 the vehicle is registered with the Town and the property owner or property  
265 occupant has notified the Town that the vehicle is being parked on the  
266 property.
- 267 g. Overnight occupancy of a recreational vehicle parked in the Town is  
268 prohibited.
- 269 (5) For properties located in the North Beach Annexation Area (the boundaries of  
270 which are described as the *Fire Protection Special Assessment—North* in section  
271 8-101(1) of this Code of Ordinances) who owned their properties and owned a  
272 registered vessel at the time of the 2001 annexation into the Town, the regulations  
273 contained in subsections (3) and (4) hereof shall not apply if the criteria in  
274 subparagraph a. below are satisfied and practical difficulty is determined to exist.

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

275 Properties that demonstrate a practical difficulty shall instead be subject to the  
276 regulations in subparagraph b.H.

277 I.a. *Finding of practical difficulty:*

278 1. The owner must demonstrate, on an application in a form required  
279 by the Town, that a practical difficulty prevents the owner from fully  
280 complying with the regulations in subsections (3) and (4) above, by  
281 establishing each of the following:

282 i.A. The property must have been owned by the same property  
283 owner continuously from the time of annexation to the time  
284 of application pursuant to subsection (5); and

285 ii.B. The vessel to be stored must be owned by the property owner  
286 and the property must have been used as the principal place  
287 of storage for a vessel continuously from the time of  
288 annexation to the time of application pursuant to subsection  
289 (5); and

290 iii.C. Compliance with subsections (3) and (4) would make it  
291 impractical to use the property for storage of the vessel; and

292 iv.D. Application of the regulations in subparagraph b.H to this  
293 property would be in harmony with the general purpose and  
294 intent of the Town Code, is not injurious to surrounding  
295 property owners, and is not otherwise detrimental to the  
296 public welfare.

297 The Town Manager or his/her designee shall review the application to  
298 determine whether a practical difficulty exists, and shall notify the  
299 property owner in writing of his/her determination.

300 Hb. *Alternative regulations of vessel parking and storage if practical difficulty*  
301 *exists:*

302 1. The alternative regulations contained herein shall be personal to  
303 the real property owner at the time of the effective date of this  
304 section. Any real property owner who acquires his/her property  
305 after the effective date of this section shall be subject to the  
306 provisions of subsection (3) or (4), as applicable.

307 2. Parking or storage of boats shall be limited to boats owned by the  
308 occupants of the property.

309 3. All boats, except canoes and boats less than 12 feet in length, must  
310 be stored on a currently licensed boat trailer.

311 4. On a plot containing a one- or two-family dwelling:

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

- 312                    iA.    Not more than one boat may be parked or stored outside of  
313                    a carport or fully enclosed building.
- 314                    iiB.    No boat shall be parked or stored in a location which  
315                    causes the boat to encroach onto a street or in any location  
316                    which visually obstructs vehicle egress from contiguous  
317                    properties.
- 318                    5.        On a plot containing three or more dwelling units:
- 319                    iA.    One boat per dwelling unit may be parked or stored on the  
320                    plot outside of a carport or fully enclosed building, if an  
321                    area specifically designated for such use is provided.
- 322                    6.        No part of any required off-street parking facility or required  
323                    landscape area may be used for parking or storage of boats.
- 324                    (6)      All covers used in connection with the storage of vessels for a period of greater  
325                    than 90 days must be custom fit to the contours of the boat. No tarps or other non-  
326                    custom fit covers, or ready-fit or semi-custom covers may be used for a period of  
327                    time greater than 90 days. A custom fit cover is designed, manufactured and  
328                    tailored to closely fit the body style and size group of the specific make, model  
329                    and year of the vessel to be covered.

330    (e) — ~~Enforcement.~~

331                    ~~(1) Violations pertaining to the improper parking or storage of a motor vehicle shall be in~~  
332                    ~~conformity with the provisions of the Florida Uniform Traffic Laws as provided in~~  
333                    ~~Florida Statutes.~~

334                    ~~(2) The Town may enforce the provision of this Code by supplemental code or ordinance~~  
335                    ~~enforcement procedures as provided by F.S. ch. 162, pt. 2; or~~

336                    ~~(3) The Town may prosecute violations by issuance of notices to appear for violation of a~~  
337                    ~~Town ordinance, in which case, the penalty for a violation shall be as follows:~~

338                    ~~a. First violation \$50.00~~

339                    ~~b. Second violation within 12 months of adjudication of first violation 100.00~~

340                    ~~c. Third violation within 18 months of adjudication of first violation 500.00~~

341                    ~~Each day on which a violation exists shall constitute a separate violation for the~~  
342                    ~~purpose of determining the fine.~~

343                    ~~(4) Any violation of this section shall constitute a nuisance. The Town Attorney may~~  
344                    ~~bring suit on behalf of the Town, or any affected citizen may bring suit in his/her~~  
345                    ~~name against the person or persons causing or maintaining the violation, or against~~  
346                    ~~the owner/agent of the building or property on which the violation exists. Relief may~~

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

347 be granted according to the terms and conditions of F.S. ch. 60, entitled Abatement of  
348 Nuisances.

349 ~~(5) Violations of this article shall be enforceable by arrest, provided such arrest is made~~  
350 ~~pursuant to F.S. ch. 901.~~

### 351 Sec. 19-22. - Parking restrictions.

352 (a) Parallel auto parking shall be permitted on all streets within the Town, except where  
353 prohibited by appropriate signage or not available because of restricted right of way. ~~that~~  
354 ~~it is prohibited as follows:~~

355 ~~(1) — Flamingo Drive between Ocean Drive and the ocean;~~

356 (b) Vehicles parallel parked shall face the same direction as the flow of traffic, and no part of  
357 the vehicle shall extend a greater distance than seven feet from the outside curb or outside  
358 line of the street right-of-way.

359 ~~(c) — Angle parking at a 30 degree angle shall be permitted along the outside curbs of~~  
360 ~~Commercial Boulevard subject to the above conditions as to direction from the east curb~~  
361 ~~of Ocean Drive eastward to the ocean; and the same regulations which apply to this~~  
362 ~~portion of Commercial Boulevard shall apply on El Prado Drive between Ocean Drive~~  
363 ~~and the ocean.~~

364 ~~(dc)~~ Parking is prohibited in all other public areas such as parks, boulevards, islands, tree  
365 lawns, sidewalks, etc., at any time.

366 ~~(ed)~~ No person shall park in or otherwise obstruct any portion of a sidewalk or other area  
367 designated by the Town Commission as a marked pedestrian way within the Town of  
368 Lauderdale-By-The-Sea. The penalty for parking in or otherwise obstructing any portion  
369 of a sidewalk or other area designated by the Town Commission as a marked pedestrian  
370 way shall be \$25.00 for each occurrence.

371 ~~(fe)~~ It shall be prohibited to park in a parking space which is posted "No Beach Parking" or  
372 "Beach Parking Prohibited" and to thereafter visit, congregate, stop or assemble at the  
373 beach.

374 ~~(f)~~ Recreational vehicles, as defined herein, are prohibited from parking in any public  
375 parking space or public parking lot east of Seagrape Drive or the projected line of  
376 Seagrape Drive south of its terminus.

377 ~~(g)~~ It shall be unlawful for any person to park in or upon any private alley, drive, driveway,  
378 parking area or other privately owned property without the consent of the owner of the  
379 property or person in charge thereof, whether such property is used exclusively by the  
380 owner or for the use and convenience of customers or guests.

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

381 (h) How meter and space to be used; overtime parking.

382 (1) When any vehicle shall be parked in any space adjacent to which a parking meter  
383 is located or is served by a parking pay station in accordance with the provisions  
384 of this article, the operator of such vehicle shall, upon entering the parking space,  
385 immediately pay the required payment for the time selected. Upon the  
386 appropriate payment, the parking space may be lawfully occupied by such vehicle  
387 during the period of parking time prescribed on such parking meter, pay station or  
388 pay by telephone service.

389 (2) Each parking space shall have lines or markings painted or placed upon the curb  
390 or upon the street for the purpose of designating the parking space, and each  
391 vehicle parked in a parking space shall park within the lines or markings so  
392 established. It shall be unlawful to park any vehicle across any such line or  
393 marking or to park such vehicle in such position that the same shall not be entirely  
394 within the area so designated by such lines or markings.

395 (3) If such vehicle shall remain parked in any such parking space beyond the parking  
396 time limit indicated for such parking space, or if the parking time expires, such  
397 vehicle shall then be considered as parked overtime and beyond the period of  
398 legal parking time; and the parking of a vehicle overtime or beyond the period of  
399 legal parking time shall be a violation of this article.

400 (i) No more than one vehicle shall be parked at a metered or permit parking space at the  
401 same time, provided that two motorcycles may be parked in the same metered space at  
402 the same time.

### 403 **Sec. 19-23. - Swale parking restrictions.**

404 Swale parking is prohibited without the express permission of the property owner whose  
405 property abuts such swale. A parking citation may shall be issued, after prior issuance of a  
406 warning, when it is determined that the property owner abutting such swale has not given express  
407 permission to the owner or operator of the vehicle parked in the swale. This shall not apply to  
408 the parking of any governmental agency vehicle temporarily parking for the purpose of  
409 providing repairs or services anywhere in the vicinity of the vehicle.

### 410 **Sec. 19-24. - Parking and storage on unpaved surfaces prohibited.**

411 (a) No motor vehicle ~~or motorcycle~~ shall be stored or parked, between the hours of 2:00 a.m.  
412 and 6:00 a.m. on an unpaved surface in any residential district in the Town. Violations of  
413 this section are enforceable by issuance of a notice to appear for violation of a Town  
414 ordinance, in which case, the penalty for violation shall be as follows:

415 (1) First violation \$50.00

416 (2) Second violation within 12 months of adjudication of first violation 100.00

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

- 417 (3) Third violation within 18 months of adjudication of first violation 500.00
- 418 (b) Each day a violation occurs shall be considered a separate violation for purposes of  
419 citation and enforcement.
- 420 (c) Definition. For the purpose of this section, "unpaved surface" shall mean any surface  
421 which is not a concrete, asphalt, paver block, brick, turf block, or Town-approved  
422 decorative stone surface. The Town shall maintain at Town Hall a list of approved  
423 decorative stones.
- 424
- 425 **Sec. 19-25. - Time-restricted parking.**
- 426 (a) The Town Commission may by resolution establish specific time limits for public  
427 parking spaces in identified locations within the Town.
- 428 (b) The Town Manager shall establish parking time limits and hours of operations for Town  
429 owned parking areas where said limits and hours have not been established by the Town  
430 Commission.
- 431 (c) The Town Manager may establish a shorter time limit for specific parking spaces,  
432 regardless of the primary time limits established for the specific area.
- 433 (ad) Two-hour parking restrictions shall be in effect Monday through Sunday, inclusive, from  
434 the hours of 7:00 a.m. to 7:00 p.m. for each vehicle parked in the following locations:  
435 ~~Parking lot to the west of (across Seagrape) Sun Bank behind pumping station.~~  
436 ~~East and west side of Bougainvillea north of Commercial to the alley.~~  
437 ~~East side of Poinciana from Commercial to the alley.~~  
438 ~~East and west side of East Tradewinds from Commercial to Harbor.~~  
439 ~~East side of West Tradewinds from Commercial south to Harbor.~~  
440 ~~North side of El Prado between Bougainvillea and Poinciana.~~  
441 ~~West side of Ocean Boulevard in front of the Town Hall and adjacent Town property.~~  
442 ~~East and west side of East Tradewinds from Commercial south to Basin.~~  
443 ~~South side of Basin present public parking, from Seagrape to East Tradewinds.~~  
444 ~~West side of Seagrape from Commercial to Basin.~~  
445 ~~North and south sides of El Prado adjacent to park.~~  
446 ~~West side of Bougainvillea Drive adjacent to park.~~  
447 ~~East side of Bougainvillea Drive adjacent to Town Hall (weekends and holidays only).~~  
448 Basin: south side, from Seagrape to East Tradewinds.  
449 Bougainvillea Drive: west side of adjacent to park.  
450 Bougainvillea: east and west side, north of Commercial to the alley.  
451 East Tradewinds: east and west side, from Commercial south to Basin.  
452 East Tradewinds: east and west side, from Commercial to Harbor.

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

- 453 Poinciana: east side, from Commercial to the alley.
- 454 Seagrape: west side, from Commercial to Basin.
- 455 West Tradewinds: east side, from Commercial south to Harbor.
- 456 (be) Three-hour parking restrictions shall be in effect Monday through Sunday, inclusive,  
457 from the hours of 5:00 a.m. to 5:00 p.m. for each vehicle parked in the following  
458 locations:
- 459 (1) Commercial Boulevard east of Ocean Drive.
- 460 (2) El Mar Drive, immediately north and south of Commercial Boulevard.
- 461 (3) Ocean Drive between the alleys north and south of Commercial Boulevard.
- 462 ~~Two-hour parking restrictions shall be in effect Monday through Sunday, inclusive, 24~~  
463 ~~hours a day for each vehicle parked in the following locations:~~
- 464 ~~On both the north and south sides of Commercial Boulevard between Seagrape Drive and~~  
465 ~~the ocean; on both the east and west sides of El Mar Drive between the alleys which lie~~  
466 ~~north and south of Commercial Boulevard, as well as that portion of El Mar Drive lying~~  
467 ~~north of the alley which is north of Commercial Boulevard which lies within the B-1~~  
468 ~~zoning district and that portion of El Mar Drive lying south of the alley which is south of~~  
469 ~~Commercial Boulevard that lies within the B-1 zoning district; and both sides of~~  
470 ~~Bougainvillea Drive from Commercial Boulevard to the alleys lying north of Commercial~~  
471 ~~Boulevard.~~
- 472 (e) ~~The Town Commission may, from time to time, by resolution approved by a majority of~~  
473 ~~the Town Commission, direct the Town Manager to establish four-hour parking spaces in~~  
474 ~~specifically identified locations within the Town. Any spaces, for which four-hour~~  
475 ~~parking may be approved, may, by subsequent resolution approved by a majority of the~~  
476 ~~Town Commission, be redesignated as a two-hour parking restricted location.~~  
477
- 478 (df) ~~Metered parking shall be prohibited east of El Mar Drive between the hours of 9:00 p.m.~~  
479 ~~and 5:00 a.m., except that parking is permissible east of El Mar Drive between the~~  
480 ~~alleyways located immediately north and south of Commercial Boulevard. Metered~~  
481 ~~parking east of El Mar Drive is regulated as follows:~~
- 482 (1) Parking in metered spaces on Commercial Boulevard east of El Mar Drive is  
483 allowed at all times.
- 484 (2) For all other metered spaces east of El Mar Drive the following regulations apply:
- 485 a. On Sunday through Thursday between the hours of 9:00 p.m. and 5:00  
486 a.m., parking is prohibited except for approved hardship permits.
- 487 b. On Friday and Saturdays between the hours of 11:00 p.m. and 5:00 a.m.  
488 parking is prohibited, except for approved hardship permits.

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

489                   c.       When specifically approved for the relevant geographic location, hardship  
490                   permits pursuant to this Chapter, may park east of El Mar Drive between  
491                   the hours of 9:00 p.m. and 9:00 a.m.

492 (e) ~~Parking shall be prohibited in the public parking lot adjacent to Town Hall between the~~  
493 ~~hours of 1:00 a.m. and 6:00 a.m. seven days a week, or as may otherwise be provided by~~  
494 ~~the Town Commission by resolution.~~

495 (f) No more than one vehicle shall be parked at a metered or permit parking space at the  
496 same time, provided that more than one two motorcycles may be parked in the same  
497 metered spotspace at the same time as long as all motorcycles are entirely within the  
498 parking space.

499 (g) For parking in metered parking spaces located along Commercial Boulevard west of  
500 Seagrape Drive on Mondays through Fridays, two-hour parking restrictions shall be in  
501 effect Monday through Friday, with no time limit on parking on Saturdays and Sundays.

502 (h) ~~All metered parking fees along the north and south side of Commercial Boulevard, west~~  
503 ~~of Bougainville Drive and on the 200-foot portion of Bougainville Drive and Poinciana~~  
504 ~~Drive north of Commercial Boulevard and the 200-foot portion of Bougainville Drive~~  
505 ~~south of Commercial Boulevard shall be subject to a two-hour time limit with a fine of~~  
506 ~~\$25.00 for over parking, which the meter cover or adjacent signage shall indicate.~~

### 507 Sec. 19-26. - Parking permits.

508 (a) Resident Permits. There shall be available to residential property owners and annual  
509 residential renters of the Town of Lauderdale-By-The-Sea a resident parking permit. A  
510 resident parking permit shall not specifically reserve any parking space, but shall allow a  
511 maximum of three hours of parking in metered areas that are not posted as beach or  
512 employee parking areas ~~at any time other than the period from 2:00 a.m. to 6:00 a.m.~~  
513 daily.

514 (b) Employee Parking Permit. There ~~shall~~ may be available to bona fide employees of  
515 businesses holding a business tax receipt an employee parking permit. An employee  
516 parking permit shall not specifically reserve any parking space, but shall allow unlimited  
517 parking in employee parking posted areas and may only be used by the employee to  
518 whom the permit is issued and only during the employee's working hours.

519 (1) Application for an employee parking permit shall be on forms prescribed by the  
520 Town Clerk that shall include proof of employment.

521 (2) Use of an employee parking permit by any person other than the employee to  
522 whom the permit is issued or by the employee during non-working hours is  
523 prohibited and will result in the termination of that employee permit. Employers  
524 shall report to the Town the termination of any employee to whom a parking  
525 permit has been issued.

526 ~~Violation of this subsection is punishable by suspension or revocation of the~~  
527 ~~employee parking permit. The Town Manager is authorized to revoke or suspend~~

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

528 employee parking permits following a hearing if it is determined that the parking  
529 permit was used in violation of this subsection. Any suspension may be appealed  
530 to the Town Commission.

531 (e) ~~There shall be available, to property owners and annual renters of the Town of~~  
532 ~~Lauderdale By The Sea, a beach parking permit. A beach parking permit shall not~~  
533 ~~specifically reserve any parking space, but shall allow unlimited parking in posted beach~~  
534 ~~parking areas at any time other than the period from 2:00 a.m. to 6:00 a.m. daily.~~

535 (dc) Hardship Parking Permit. The Town Commission may, by resolution, establish criteria  
536 for the issuance of non-exclusive hardship permits for specific parking meters for the use  
537 by the customers of the hotel, motel, apartment hotel, and other businesses. The Town  
538 Commission shall consider all applications for non-exclusive hardship permits for the use  
539 by the customers of the hotel, motel, apartment hotel, apartments and other businesses  
540 and may approve or deny applications for hardship permits for meters within specific  
541 geographic locations.

542 (d) Hardship Visitor Parking Permit. A property with a hardship permit, other than a hotel or  
543 motel, may apply to purchase up to fifteen (15) 24-hour visitor parking permits, per  
544 hardship permit, during a fiscal year.

545 (e) The Town Commission shall, by resolution, establish rates for ~~the issuance of all permits~~  
546 authorized by this section and may set the maximum number of each type of permit  
547 available.

548 (f) ~~The Town Manager is authorized, following consultation with the Town Commission, to~~  
549 ~~determine and shall designate which town parking spaces may be used for employee or~~  
550 ~~hardship permits. areas of the Town shall be posted as areas where beach or employee~~  
551 ~~permits may be used.~~

552 (g) Violation of this Section is punishable by suspension or revocation of the parking permit.  
553 The Town Manager is authorized to revoke or suspend employee parking permits for up  
554 to one year following a hearing if it is determined that the parking permit was used in  
555 violation of this subsection. Any revocation or suspension may be appealed to the Town  
556 Commission.

557 **Sec. 19-27. Parking Sponsorship Program.** ~~Overtime, permit or restricted parking—Penalty~~  
558 ~~and enforcement.~~

559 ~~The penalty for overtime parking or for parking in any space requiring a permit, or for any space~~  
560 ~~that may be restricted in any manner, shall be \$25.00. Failure to pay the penalty within ten days~~  
561 ~~of the date of the issuance of the citation (Saturdays, Sundays and legal holidays being excluded~~  
562 ~~for the purpose of this computation) shall result in a late fee of \$12.00 also being assessed~~  
563 ~~against the violator.~~

564 The Town Manager is authorized to establish rules and procedures for a Parking  
565 Sponsorship Program, which will allow a person or business to adopt a metered parking spot,  
566 which sponsorship may be limited to specific hours. Upon sponsorship, there will be no meter

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

567 fees in order to park during the sponsored hours. The Town Manager shall develop the Program  
568 within the following guidelines:

- 569
- 570 (a) Any person or business may apply to sponsor metered parking spaces.
- 571
- 572 (1) A sponsorship shall be for a period of no less than six (6) months.
- 573
- 574 (2) A sponsorship shall, after the initial six (6) month period, extend on an ongoing  
575 basis until and unless terminated as provided in this Section.
- 576
- 577 (3) The sponsorship may be terminated without cause by either the sponsor or the  
578 Town after the six month initial sponsorship, upon thirty (30) days written notice  
579 to the other party.
- 580
- 581 (b) The Town Manager shall determine the number of metered spaces that may be sponsored  
582 based upon the demand for public parking in the area, the type of usage of existing  
583 parking and the public parking needs of adjacent and nearby businesses.
- 584
- 585 (c) Sponsorship fees shall be calculated and paid as follows: at least quarterly, in advance,  
586 and shall be calculated based on:
- 587
- 588 (1) Sponsorship fees shall be calculated based on:
- 589
- 590 a. an initial projection of the annual number of hours of usage of the  
591 meter(s); and
- 592
- 593 b. hourly rates shall be discounted 15% off the then current hourly rate.
- 594
- 595 (2) Fees shall be paid at least quarterly, in advance.
- 596
- 597 (3) Fees shall be recalculated on an annual basis or upon a change in meter rates,  
598 whichever occurs earlier.
- 599
- 600 (4) Failure to pay the sponsorship fee shall result in termination of the sponsorship  
601 following a ten (10) day notice and demand for payment.
- 602
- 603 (d) The Town Manager may set a shorter parking time limit for any given sponsored parking  
604 space than then exists for that space.
- 605
- 606 (e) Sponsorships may be limited to the open hours of the business.
- 607
- 608 (f) One sign, approved by the Town Manager may be installed at the head of a sponsored  
609 metered space that includes the identification of the sponsor. The sponsor shall pay the  
610 initial and any replacement expenses for the sponsorship signage.

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

611  
612  
613  
614  
615

(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.

### 616 **Sec. 19-28. - Metered parking rates.**

617 The charge for parking in metered parking spaces will be established by resolution of the  
618 Town Commission.

### 619 **Sec. 19-29. - Waivers.**

620 The Town Commission may waive parking restrictions and meter fees in any area by  
621 ~~resolution~~ for a period of time not to exceed 72 hours. The Town Manager may waive parking  
622 restrictions and meter fees in any area for a period of time not to exceed 24 hours.

### 623 **Sec. 19-30. - Parking for disabled persons.**

624 (a) It shall be unlawful for any person to park a vehicle in any parking space designated with  
625 the internationally accepted wheelchair symbol or the caption "handicapped parking," or  
626 similar words, unless such vehicle displays a parking permit issued pursuant to F.S. §  
627 320.0848 and such vehicle is transporting a person eligible for such parking permit.

628 (b) Whenever a Law Enforcement Officer or a Parking Enforcement Specialist finds a  
629 vehicle in violation of this section, that Officer may have the vehicle in violation  
630 removed to a lawful parking space or facility or require the operator or other person in  
631 charge of the vehicle immediately to remove the unauthorized vehicle. Whenever any  
632 vehicle is removed by a Law Enforcement Officer, Parking Enforcement Specialists, or  
633 agency to a storage lot, garage, or other safe parking space, the cost of such removal and  
634 parking shall be a lien against the vehicle.

635 (c) The penalty for a violation of this section 19-30 shall be \$250.00 for each such violation.  
636 ~~Failure to pay the penalty within ten days of the date of the issuance of the citation~~  
637 ~~(Saturdays, Sundays and legal holidays being excluded for the computation) shall result~~  
638 ~~in a late fee of \$12.00 also being assessed against the violator.~~ Failure to pay the penalty  
639 within the time prescribed in section 19.4 (a) shall result in a late fee also being assessed  
640 against the violator pursuant to section 19.4(a).

641 (d) All users of town parking lots shall pay the parking meter fee except for vehicles with  
642 ramps, lifts, hand controls or Florida toll exemption permits as defined in F.S. 316.1964.

### 643 **Sec. 19-31. - ~~Hearing Officers~~ Special Magistrates.**

644 The Special Magistrate appointed by the Town Commission pursuant to Section 6.5-2 of  
645 this Code, shall also have jurisdiction ~~shall appoint one or more Hearing Officers~~ to adjudicate

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

646 violations of the Town's parking ordinances. ~~The Hearing Officer shall be a member in good~~  
647 ~~standing of the Florida Bar and shall be a resident of Broward County.~~

648 **Sec. 19-32. - Request for hearing; notice of hearing.**

- 649 (a) Any person who receives a parking citation issued pursuant to article II, "Parking,  
650 stopping and standing" of this chapter 19 may contest such citation by delivering to the  
651 Clerk by mail within ten days, including Saturdays, Sundays and legal holidays, of the  
652 date of the citation a written request for a hearing or by hand-delivering such written  
653 request and the citation to the Clerk's Office between the hours of 9:00 a.m. and 4:00  
654 p.m., Monday through Friday, excluding legal holidays. The request for hearing shall be  
655 on a form approved by the Town and available from the Clerk's Office.
- 656 (b) The Clerk shall notify the ~~Parking Enforcement Administrator~~ Town Manager  
657 immediately of each request for hearing received by the Clerk.
- 658 (c) The ~~Parking Enforcement Administrator~~ Town Manager shall set the hearing for a date  
659 which would be within 60 days of the date that the notice of contest was received by the  
660 Clerk; ~~and the Parking Enforcement Administrator~~ shall give the person issued the  
661 citation at least seven days' advance written notice, excluding Saturdays, Sundays, and  
662 legal holidays, of the scheduled date, time and place for the hearing.
- 663 (d) Said notice shall be sent by mail to the address of the registered owner of the vehicle, as  
664 per the issued citation or, in the event that the driver (violation) of the vehicle is not the  
665 owner, to the driver's address.

666 **Sec. 19-33. - Hearing procedures.**

- 667 (a) Hearings before the Special Magistrate for violations of this Chapter shall be conducted  
668 in accordance with the provisions of this Code and F.S. 162 as may be amended from  
669 time to time.~~The person issued the citation may:~~
- 670 (1) ~~Be represented by counsel;~~
- 671 (2) ~~Call and examine witnesses;~~
- 672 (3) ~~Introduce exhibits;~~
- 673 (4) ~~Examine opposing witnesses on any relevant matter, even though the matter was~~  
674 ~~not covered under direct examination; and~~
- 675 (5) ~~Impeach any witness regardless of which party first called the witness to testify.~~
- 676 (b) ~~All hearings shall be conducted insofar as practical, in accordance with the Florida Rules~~  
677 ~~of Civil Procedure and the Florida Evidence Code. However, the general nature of the~~  
678 ~~hearing shall be conducted in an informal manner.~~
- 679 (c) ~~All irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other~~  
680 ~~evidence of a type commonly relied upon by reasonable and prudent persons in the~~  
681 ~~conduct of their affairs shall be admissible whether or not such evidence would be~~

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

682 ~~admissible in a trial before the courts of the State of Florida. Evidence may be received in~~  
683 ~~written form. Notwithstanding, all testimony of parties and witnesses shall be made under~~  
684 ~~oath. Heresay evidence may be used for the purpose of supplementing or explaining other~~  
685 ~~evidence but it shall not be sufficient in and of itself to support a finding unless it would~~  
686 ~~be admissible over objection under the Florida Rules of Civil procedure and/or under the~~  
687 ~~Common Law of the State of Florida.~~

688 ~~(d) Any interested party or person may make application and, upon good cause shown, may~~  
689 ~~be allowed by the Hearing Officer in his/her discretion to intervene and appear in a~~  
690 ~~proceeding pending before the Hearing Officer.~~

691 ~~(e)~~ (e) The information contained in the parking citation shall be presumed correct in the  
692 absence of contrary evidence and no testimony shall be necessary to support the  
693 presumption of correctness.

### 694 Sec. 19-34. - Contest by mail.

695 (a) Those persons who receive a parking citation but who do not reside in Palm Beach, Broward or  
696 Dade County, Florida may contest the citation in writing delivered to the Clerk, thus  
697 avoiding the necessity of appearing for a hearing.

698 (b) Such person must submit to the Clerk his/her written request to contest the citation by  
699 mail, along with all evidence in support of such contest, within ten days of the date that  
700 the citation was issued.

701 (c) The evidence shall be presented to the ~~Hearing Officer~~Special Magistrate, at a hearing to  
702 be held within 60 days of the date that written request to contest the citation was received  
703 by the Clerk. Notwithstanding that the violator has requested to contest the issuance of  
704 the citation by mail, such violator will nevertheless be notified (written notice) by the  
705 Clerk of the scheduled date, time and place of the hearing.

706 (d) The evidence presented must include a sworn statement by the person cited. The  
707 statement must identify the citation at issue by its number and date of issuance. It must  
708 set forth the name and current address of the person cited. The statement may contain  
709 argument in opposition to the citation. The ~~Hearing Officer~~ Special Magistrate will not  
710 consider unsworn statements.

711 (e) The evidence submitted may include sworn statements of witnesses. Such statements  
712 must include the name and address of the witness, as well as the basis of the witness'  
713 knowledge about the facts asserted in the statement.

714 (f) The evidence submitted may also include such documents as are relevant and material to  
715 the disposition of the citation.

716 (g) All evidence submitted is subject to the evidentiary rules set forth.

### 717 Sec. 19-35. - Orders and judgments of ~~Hearing Officer~~Special Magistrate.

# Exhibit 1: 2<sup>nd</sup> Reading

## ORDINANCE 2011-09

- 718 (a) Pursuant to the provisions of F.S. § 316.1967, any person who elects to appear before the  
719 ~~Hearing Officer~~Special Magistrate or to contest a citation by mail shall be deemed to  
720 have waived his right to pay the civil penalty amount set forth on the citation.
- 721 (b) After a hearing, or following consideration of any mailed-in admissible evidence, as  
722 applicable, the ~~Hearing Officer~~Special Magistrate shall make a determination based on  
723 the greater weight of the evidence as to whether a parking violation has been committed  
724 and shall issue a judgment imposing (1) a civil penalty of \$250.00 for violations of  
725 disabled parking ordinances and a civil penalty not to exceed \$100.00 for violations of all  
726 other Town parking ordinances, and (2) hearing costs. The ~~Hearing Officer~~ Special  
727 Magistrate may, in his/her discretion, grant additional time to pay the civil penalty  
728 amount. All judgments shall be in writing signed and dated by the ~~Hearing Officer~~  
729 Special Magistrate and shall contain findings of fact supporting the judgment and  
730 conclusions of law.
- 731 (c) If, at the conclusion of a hearing, or following consideration of mailed-in, admissible  
732 evidence, the ~~Hearing Officer~~ Special Magistrate orders a dismissal of the citation and  
733 finds no violation, the ~~Hearing Officer~~ Special Magistrate shall so state and issue his/her  
734 order of dismissal in writing signed and dated by the ~~Hearing Officer~~ Special Magistrate  
735 and shall set forth findings of fact supporting the order of dismissal.
- 736 (d) Hearings shall be scheduled to be held within 60 days of request and decided within 30  
737 days following such hearing. The decision of the ~~Hearing Officer~~ Special Magistrate may  
738 be appealed by any party receiving an adverse ruling by the filing of a petition for writ of  
739 certiorari in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward  
740 County, Florida; provided that such written request shall be delivered to the Clerk within  
741 30 days of the date of the ~~Hearing Officer's~~ Special Magistrate's decision, including  
742 Saturdays, Sundays and legal holidays.

743 ~~Sec. 19-36. Appointment of Parking Enforcement Administrator.~~

744 ~~The Town Commission shall, by resolution, appoint a Parking Enforcement~~  
745 ~~Administrator to process fines, penalties and forfeiture thereof, in connection with the issuance~~  
746 ~~of citations for parking violations.~~

747 ~~Secs. 19-367—19-40. - Reserved.~~

### 748 ARTICLE III. - SPEED AND STREET TRAFFIC REGULATIONS\*

#### 749 Sec. 19-41. - Speed limits.

750 In accordance with F.S. § 316.189, and when signs are erected giving notice thereof, the  
751 speed limit shall be as follows:

- 752 (1) Commercial Boulevard and Ocean Drive (A1A), throughout the corporate limits of the  
753 Town shall have a speed limit of 30 miles per hour.

**Exhibit 1: 2<sup>nd</sup> Reading**

**ORDINANCE 2011-09**

754 (2) The remainder of the streets within the corporate limits of the Town shall have speed  
755 limits of 25 miles per hour.  
756

757 **SECTION 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is  
758  
759 held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall in  
760 no way affect the validity of the remaining portions of this Ordinance.

761 **SECTION 4. Conflicts.** All ordinances or parts of Ordinances and all Resolutions or  
762 parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

763 **SECTION 5. Codification.** This Ordinance shall be codified.

764 **SECTION 6. Effective Date.** This Ordinance shall become effective immediately upon  
765 adoption on second reading.

766 **SECTION 7. Adoption.** Passed on the first reading, this \_\_\_ day of \_\_\_\_\_, 2011.  
767 Passed and adopted on the second reading, this \_\_\_ day of \_\_\_\_\_, 2011.

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Mayor Roseann Minnet

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777 Mayor Minnet  
778 Vice-Mayor Dodd  
779 Commissioner Clotey  
780 Commissioner Sasser  
781 Commissioner Vincent

	First Reading	Second Reading
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783 Attest:  
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Town Clerk, June White

Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~. Additions between first and second reading area shown in yellow highlight and double underline. Deletions to existing or previously proposed text between first and second reading are shown in ~~yellow highlight and double striketrough~~.