

Meeting Date: January 13, 2015

Agenda Item

32

Memorandum No. #14-526

REQUESTED COMMISSION ACTION:

Consent	X	Ordinance	Resolution	Consideration/ Discussion	Presentation
_____	_____	_____	_____	_____	_____

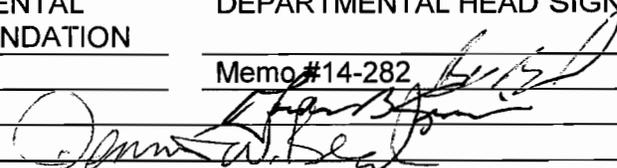
SHORT TITLE

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING SECTIONS 70.11, 70.24, 71.05, 71.06, 71.08, 98.08 AND 98.10; BY CREATING CHAPTER 76, "PARKING METERS", TO PLACE ALL REQUIREMENTS AND REGULATIONS FOR PARKING METERS IN ONE NEW CHAPTER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

The City has metered parking within public parking lots and along on-street parking spaces. Currently there are 20 multi-space parking meters and 67 individual parking meters. During fiscal year 2013, the City generated approximately \$222,000 in parking citations revenue and approximately \$1,000,000 in parking revenues. In conjunction with the establishment of the Parking Enterprise Fund and contract for the Management of Parking Operations, Staff is recommending a new chapter within the Code of Ordinance's Traffic Code – "Chapter 76 (Parking Meters)". This primary purpose of the new chapter is to consolidate the existing regulations for parking meters found throughout the Code of Ordinances. However there are a few minor substantive revisions as follows: (1) Grant the authority to establish parking meter zones from the Chief of Police to the City Manager or Public Works Director; (2) Codify all locations with parking meters; (3) Clarify that all funds are deposited into the Parking Enterprise Fund; (4) Establish time limited parking zones; and (5) Update the list of violations. Section 76.04 has been amended as approved by the City Commission at 1st Reading.

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Robin M. Bird/ Karen Friedman KBF Ext. 7792
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	7/2/2014	Approval	Memo #14-282
City Attorney	7/17/14		
X City Manager			

ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>
<u>Workshop</u>		
1 st Reading <u>12/9/14</u>	1 st Reading _____	Results: _____
<u>APPROVED AS AMENDED</u>		
2 nd Reading <u>1/13/15</u>	_____	_____
_____	_____	_____
_____	_____	_____



City Attorney's Communication #2015-209
November 14, 2014

TO: Karen Friedman, AICP, Planner
FROM: Mark E. Berman, Assistant City Attorney
RE: Ordinance – Parking Meters

As requested, attached please find the following form of Ordinance, relative to the above-referenced matter:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING SECTION 70.11, "ILLEGALLY-PARKED VEHICLES," TO MODIFY PENALTIES FOR VIOLATIONS; BY DELETING SECTION 70.24, "PARKING METER ZONES," SECTION 71.05, "PARKING METER TIME LIMITS; FEES," AND SECTION 71.06, "PARKING METER VIOLATIONS," BY CREATING CHAPTER 76, "PARKING METERS," TO PLACE ALL REQUIREMENTS AND REGULATIONS FOR PARKING METERS IN ONE NEW CHAPTER; BY AMENDING SECTION 71.08, "PARKING FOR CERTAIN PURPOSES PROHIBITED; TOWING," TO DELETE CONFLICTING LANGUAGE; BY AMENDING SECTION 98.09, "ALSDORF PARK," TO DELETE REFERENCE TO PARKING METERS; BY AMENDING SECTION 98.10, " FEES," TO DELETE REFERENCE TO PARKING METERS AT OCEANSIDE AND PIER PARKING LOTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.


MARK E. BERMAN

/jrm
l:cor/dev-srv/2015-209

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING SECTION 70.11, "ILLEGALLY-PARKED VEHICLES," TO MODIFY PENALTIES FOR VIOLATIONS; BY DELETING SECTION 70.24, "PARKING METER ZONES," SECTION 71.05, "PARKING METER TIME LIMITS; FEES," AND SECTION 71.06, PARKING METER VIOLATIONS," BY CREATING CHAPTER 76, "PARKING METERS," TO PLACE ALL REQUIREMENTS AND REGULATIONS FOR PARKING METERS IN ONE NEW CHAPTER; BY AMENDING SECTION 71.08, "PARKING FOR CERTAIN PURPOSES PROHIBITED; TOWING," TO DELETE CONFLICTING LANGUAGE; BY AMENDING SECTION 98.09, "ALSDORF PARK," TO DELETE REFERENCE TO PARKING METERS; BY AMENDING SECTION 98.10, " FEES," TO DELETE REFERENCE TO PARKING METERS AT OCEANSIDE AND PIER PARKING LOTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 70.11, "Illegally- Parked Vehicles," of Chapter 70, "General Provisions," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 70.11 ILLEGALLY-PARKED VEHICLES.

...

(B) The owner or operator receiving a notice as provided in subsection (A) above shall pay to the city as a penalty for and in satisfaction of the violation the sum of \$35. The penalty for parking in a space reserved for disabled persons without the parking permit, license plate, taglet or other statutorily recognized standard as required by law shall be the sum of \$250. In the event the city is not noticed pursuant to the provisions as contained in subsection (C) below within 14 days of the issuance of the parking citation and the penalty assessed for the parking violation is not satisfied within 14 days of the issuance thereof, the penalty for the violation shall be increased by the sum of \$12. ~~The penalty for parking in a space reserved for disabled persons without the parking permit, license plate, taglet or other statutorily recognized standard as required by law shall be the sum of \$250.~~ Failure to pay any penalty for parking violations shall be a violation of this chapter and the responsible parties shall be subject to appropriate action which shall include, but not be limited to, the matter being turned over to a collection agency, ~~and/or~~ having an immobilizing device placed on the vehicle, commonly known as the "boot," or have a hold placed on the license plate, until such time as all unpaid citations have been paid.

...

SECTION 2. That Section 70.24, "Parking Meter Zones," of Chapter 70, "General Provisions," of the City of Pompano Beach Code of Ordinances is hereby deleted in its entirety.

SECTION 3. That Section 71.05, "Parking Meter Time Limits; Fees," of Chapter 71, "Traffic Rules," of the City of Pompano Beach Code of Ordinances is hereby deleted in its entirety.

SECTION 4. That Section 71.06, "Parking Meter Violations," of Chapter 71, "Traffic Rules," of the City of Pompano Beach Code of Ordinances is hereby deleted in its entirety.

SECTION 5. That Section 71.08, "Parking for Certain Purposes Prohibited; Towing," of Chapter 71, "Traffic Rules," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 71.08 Parking for Certain Purposes Prohibited; Towing.

(A) No person shall park a vehicle upon any street, city parking lot or other right-of-way for any purpose set forth below:

...

~~(3) For storage of the vehicle itself, or for any business purpose.~~

(4~~3~~) For storage of junk, debris or other items.

...

SECTION 6. That Chapter 76, "Parking Meters," of the City of Pompano Beach Code of Ordinances is hereby created to read as follows:

§ 76.01 PURPOSE.

The purpose of this chapter is to promote the public health, safety and general welfare upon the public parking lots and locations of the city by regulating the cost of metered parking; by regulating the time limit of parking in certain parking lots and areas; and to provide penalties for the violation of this chapter.

§ 76.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CAMPER AND RECREATIONAL VEHICLES. For the purposes of this chapter, the term shall include, but not be limited to, travel trailers, truck campers, motor homes, camping trailer, and van conversions.

HOLIDAY. For the purposes of this chapter, the term holiday shall include New Year's Day, Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

PARKING METER OR METER. Any mechanical device or meter placed or erected for the regulation of parking at or within a public parking facility by authority of this chapter. This term includes ***MULTI-SPACE PARKING METER***, which is any mechanical device or meter placed or erected for the regulation of more than one parking space at or within a public parking facility.

PARKING METER SPACE OR METER SPACE. Any space within a parking meter zone which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street.

PARKING METER ZONE. Any public parking facility upon which parking meters are installed and in operation. This term includes ***MULTI-SPACE PARKING METER ZONES***, which are any space or group of spaces controlled

by a single multi-space parking meter. Parking spaces within parking meter zones are numbered so as to allow users to identify the appropriate space number in order to pay the appropriate fees to park in said spaces.

PUBLIC PARKING FACILITY. Any publicly owned parking lot, parking garage, parking space or parking area.

RESIDENCY. As used in this chapter may be established upon proof of any of the following:

(1) Pompano Beach residency may be established by the presentation of a declaration of domicile or a Broward County Voters Registration Certificate and valid picture identification which shows that the individual resides within the corporate limits of the City of Pompano Beach;

(2) Proof that the individual resides within the corporate limits of the city may be established by proof of property ownership, a copy of a current and validly executed lease agreement, and copies of a water, electric, gas or other utility bills that are less than 60 days old.

(3) The city may, in its sole discretion, during any period of time an individual enjoys the benefits of residency status, require the individual to present written documents to the appropriate city personnel to establish any of the forms of residency as set forth above. In addition, the individual may be requested to execute an affidavit under oath in which the individual declares that the representations made to the city regarding residency are true.

In the event that residency is established by an individual, that individual's spouse or minor children shall also be entitled to residency rates.

§ 76.03 IMPOSITION OF TIME LIMIT ON PARKING.

The provisions of this Chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

§ 76.04 ENFORCEMENT.

It shall be the duty of the Chief of Police or person in command of the city's law enforcement agency, or his designee, and any other person or entity designated and authorized by the city to provide parking enforcement services to enforce all the provisions of this Chapter.

§ 76.05 AUTHORITY TO ESTABLISH PARKING METER ZONES.

The City Manager, or Public Works Director are each authorized as follows:

(A) To determine and designate parking meter zones.

(B) To install and maintain as many parking meters as necessary in the parking meter zones, where it is determined that the installation of parking meters shall be necessary to aid in the regulation, control, and inspection of parking vehicles.

(1) The parking meters may be of whatever type determined by the City Commission.

(2) Each parking meter installed shall indicate by proper legend the legal parking time established by the City and when operated shall at all times indicate the balance of legal parking time, and at the expiration of the period shall indicate illegal or overtime parking.

(C) To erect signs in the parking meter zones limiting the hours of operation within the zones and giving notice thereof.

§ 76.06 PARKING METER ZONES AND FEES ESTABLISHED.

(A) Designation of Spaces; Installation of Meters; Cost of Parking or Standing Vehicle in Parking Meter Space.

(1) Table 76.06(A) establishes public parking facilities as Parking Meter Zones. The marking off of individual parking spaces in the Parking Meter Zones and the installation of parking meters in the spaces is authorized, ratified, and confirmed. The placement of the meters shall be in accordance with applicable City ordinances.

(2) The cost of parking or standing a vehicle shall be in conformance with Table 76.06(A). The only coins which the meters accept are United States currency.

Zone	General Location	Meter Fee	
Alsdorf Boat Launching Facility Parking Lot	2974 NE 14 th Street	Vehicle Only	\$.25 per 12 minutes or \$1.25 per hour
		Vehicle with trailer	\$10.00 per 24-hour period
Atlantic Boulevard On-Street Parking	Atlantic Blvd, between SR A1A and N. Pompano Beach Blvd	\$.25 per 12 minutes or \$1.25 per hour	

Beach Plaza Parking Lot	North East Corner of Atlantic Blvd and North Pompano Beach Blvd	\$.25 per 12 minutes or \$1.25 per hour
Hillsboro Inlet Park	2700 North Ocean Boulevard	\$.25 per 12 minutes or \$1.25 per hour
NE 2 nd Street On-Street Parking	North side of NE 2 nd Street, between SR A1A and N. Pompano Beach Blvd	\$.25 per 12 minutes or \$1.25 per hour
NE 3 rd Street On-Street Parking	South side of NE 2 nd Street, between SR A1A and N. Pompano Beach Blvd	\$.25 per 12 minutes or \$1.25 per hour
North Ocean Park Parking Lot	3424 NE 16 th Street	\$.25 per 12 minutes or \$1.25 per hour
Ocean Side Parking Lot	109 North Ocean Blvd	\$.25 per 12 minutes or \$1.25 per hour
Pier Parking Lot	221 North Pompano Beach Blvd	\$.25 per 12 minutes or \$1.25 per hour
Pier Restaurant Lot	222 North Pompano Beach Blvd	\$.25 per 12 minutes or \$1.25 per hour
Pompano Beach Boulevard On-Street Parking	East side of North Pompano Beach Boulevard	\$.25 per 12 minutes or \$1.25 per hour
SE 2 nd Street On-Street Parking	Street end parking on SE 2 nd Street, east of Briny Avenue	\$.25 per 12 minutes or \$1.25 per hour
SE 4 th Street On-Street Parking	Street end parking on SE 4 th Street, east of Briny Avenue	\$.25 per 12 minutes or \$1.25 per hour
SE 6 th Street On-Street Parking	Street end parking on SE 6 th Street, east of Briny Avenue	\$.25 per 12 minutes or \$1.25 per hour
SE 8 th Street On-Street Parking	Street end parking on SE 8 th Street, east of Briny Avenue	\$.25 per 12 minutes or \$1.25 per hour

(B) Operation of Parking Meters.

(1) Hours of Operation.

(a) Parking meters shall be in operation twenty-four (24) hours a day, every day including Sundays and holidays in all parking meter zones.

(b) Unless clearly indicated by signage at the Parking Meter Zone, the hours of operation for all Parking Meter Zones are 24 hours a day, seven days a week, including Sundays and holidays.

(c) Vehicles parked in a parking meter zone outside of the hours of operation are strictly prohibited and subject to a violations per §76.08(B).

(2) When any vehicle shall be parked in any parking space within one of the parking meter zones as described in Table 76.06(A), the operator of this vehicle shall, upon entering the parking meter space, immediately deposit or cause to be deposited in the parking meter the proper coinage or other funds of the United States as is required for the parking meter and as is designated by proper directions on the meter, and when required by the directions on the meter, the operator of the vehicle, after the deposit of the proper coinage or other funds, shall also set in operation the timing mechanism on the meter in accordance with directions properly appearing thereon, and failure to deposit the proper coinage or the proper funds, and to set the timing mechanism in operation when so required, shall constitute a violation of this subchapter. The following are exempted from this requirement:

(a) Vehicles parked in a period of emergency determined by an officer of the Fire Department or Law Enforcement Agency;

(b) Vehicles parked in compliance with the directions of a police officer, police aide, or traffic-control sign or signal; or

(c) Vehicles with a valid decal per § 76.06(C).

(d) Vehicles exempt under § 316.1964, F.S., to the extent set forth therein.

(3) Upon the deposit of the coinage or other funds (and the setting of the timing mechanism in operation when so required), the parking space may be lawfully occupied by the vehicle during the period of time which has been prescribed for the part of the street in which the parking space is located, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit funds so long as his occupancy of the space does not exceed the indicated unused parking time.

(C) Parking Permits for Certain Zones.

(1) A "resident parking permit decal" may be purchased from the City's Treasury Division Office by all residents which shall authorize the parking of the vehicle for which the permit was acquired in any parking meter space located within the Pier Parking Lot and Oceanside Parking Lot as described

in Table 76.06(A) without requiring the payment of money into the space's parking meter from 6:00 a.m. until 8:00 p.m. daily.

(a) The cost of a 12-month decal shall be \$60.00, including applicable taxes.

(b) The cost of a 12-month decal for a second vehicle shall be \$10.00, including applicable taxes.

(c) The cost of a 6-month decal shall be \$30.00, including applicable taxes.

(2) A "monthly overnight parking permit decal" may be purchased from the City's Treasury Division Office by all residents and non-residents which shall authorize the parking of the vehicle for which the permit was acquired in any parking meter space located within the Oceanside Parking Lot as described in Table 76.06(A) without requiring the payment of money into the space's meter overnight.

(a) The cost of the monthly overnight decal shall be \$30.00, including applicable taxes.

(3) Each permit shall cover the specified time period for the permit, from the date of purchase. The application procedure and the form of the permit shall be determined by the City Manager.

(4) Permits are not valid for special events, as may be determined by the City Manager.

(D) Collection of Deposited Moneys. The City administration shall provide for the regular collection of the money deposited in the parking meters. All of the money shall be deposited into the Parking Enterprise Fund of the City.

§ 76.07 TIME LIMITED PARKING ZONES.

The City Manager or Public Works Director are each authorized to determine and designate time limited parking zones, where it is determined that the limitation on the length of time vehicles may be parked shall be necessary to aid in the regulation, control, and inspection of parking vehicles.

(A) Two-Hour Parking Zone. Parking or standing a vehicle in a designated space in a public parking facility described in subsection (2)(a) below shall be lawful for a maximum of two (2) hours.

(B) Eight-Hour Parking Zone. Parking or standing a vehicle in a designated space in a public parking facility described in subsection (2)(a) below shall be lawful for a maximum of eight (8) hours.

§ 76.08 ENFORCEMENT.

(A) Certain Acts Prohibited and subject to Penalty per City Code of Ordinances 10.99, General Penalty.

It shall be unlawful and a violation of the provisions of this Chapter, subject to penalty per City Code of Ordinances 10.99, General Penalty, for any person to:

(1) Deface a parking permit or transfer a parking permit from the vehicle for which it was acquired to another vehicle without approval in advance of the City Manager;

(2) Deface, injure, tamper with, open, break, destroy, or impair the usefulness of any parking meter installed under the provisions of this subchapter; or

(3) Deposit or cause to be deposited in any parking meter any slugs, device, or metal substance, or other substitute for lawful coins.

(B) Certain Acts Prohibited and subject to Penalty per City Code of Ordinances 70.11, Illegally Parked Vehicles.

It shall be unlawful and a violation of the provisions of this Chapter, subject to penalty per City Code of Ordinances 70.11, Illegally Parked Vehicles, for any person to cause, allow, permit, or suffer any vehicle registered in his name to:

(1) Be parked in a parking meter zone and failing to pay the meter fee;

(2) Be parked beyond the parking time limit set for that parking space;

(3) Be parked in any parking space adjacent to any parking meter while the meter is displaying a signal indicating that the vehicle occupying the parking space has already been parked beyond the period prescribed for the parking space;

(4) Be parked in a parking meter zone outside of the hours of operation;

(5) Be parked in a time limited parking zone for longer than the maximum time permitted;

(6) Be parked a camper or recreational vehicle within a parking meter zone or time limited parking zone for any period of time between the hours of 10:00 p.m. and 6:00 a.m., if signage is provided the specifically prohibits this activity;

(7) Be parked across any line or marking of a parking space or in a position that the vehicle shall not be entirely within the area designated by the lines or markings;

(8) Be parked in a parking meter zone or time limited parking zone without a current valid registration;

(9) Be parked in any parking space in a parking meter zone or time limited parking zone in such a manner as to face oncoming, opposing traffic, whether or not curbing is present;

(10) Be parked in any parking space in a parking meter zone or time limited parking zone with the rear end of the vehicle facing into the space provided for parking, if signage is provided the specifically prohibits back-in parking;

(11) Be parked in any parking space designated as a handicapped parking space without displaying a permit for handicapped parking which has been issued by a governmental agency having the authority to issue the permit;

(12) Be parked in a parking meter zone or time limited parking zone which requires a parking permit without displaying a valid permit; or

(13) Be parked in a parking meter zone or time limited parking zone for any purpose set forth in City Code of Ordinances § 71.08, Parking For Certain Purposes Prohibited; Towing.

SECTION 7. That Section 98.09, "Alsdorf Park," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 98.09 ALSDORF PARK.

...

~~(B) A meter device shall be installed at the Alsdorf Boat Launching facility. The parking fee for motor vehicles with trailers shall be \$10 per 24 hour period.~~

~~(C) Parking meters shall be installed in the areas not specifically designated for motor vehicles with trailers. The parking fee shall be \$0.25 for each 12 minutes.~~

~~(D) Vessels may be tied to the public parallel dock for a maximum total of four hours per any 24-hour period and signage advising this time limitation shall be posted at various locations along said dock. It shall be~~

unlawful for any vessel to remain tied to or otherwise docked at the public parallel dock in excess of the four-hour maximum time period, and the owner or operator of any vessel in violation of this division may be cited for the violation which shall constitute an infraction punishable by a fine of \$250 for each occurrence. Vessels that become disabled and incapable of self-propulsion must furnish proof of same to law enforcement officers or city Parks and Recreation staff, and may remain at the public parallel dock for a maximum total of eight hours per any 24-hour period or be subject to the fine set forth above.

SECTION 8. That Section 98.10, "Fees," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is amended to read as follows:

§ 98.10 FEES.

...

~~(C) — Oceanside and Pier Parking Lots.~~

~~(1) — The Oceanside Parking Lot and Pier Parking Lot both have parking meters with a parking fee of \$0.25 for each 12 minutes.~~

~~(2) — As an alternative to the payment of fees to the parking meters, parking permit decals may be purchased by city residents through a Parking Permit Application obtained from the Treasury Division.~~

~~(a) — Annual resident parking permit decals may be purchased at the Treasury Division Office in City Hall at the annual rate of \$60.00, which includes sales tax. Also, a semi-annual resident parking permit decal may be purchased for \$30.00, which includes sales tax. A resident parking permit decal may also be purchased for a second vehicle for \$10.00, which includes sales tax. Resident parking permit decals authorize parking from 6:00 a.m. to 8:00 p.m.~~

~~(b) — Oceanside Parking Lot monthly permits may also be purchased at the Treasury Division for \$30.00 per month, which includes sales tax, to allow overnight parking privileges. These monthly parking lot permits for the Oceanside Parking Lot are for use by non-residents or residents seeking to park in this lot overnight.~~

~~(c) — All applicants for any resident parking permit must provide proof of city residency.~~

SECTION 9. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of

this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 10. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 20__.

PASSED SECOND READING this _____ day of _____, 20__.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

MEB/jrm

12/11/14

l:ord/Ch76/2014-399 final



MEMORANDUM

Development Services

MEMORANDUM NO. 14-282

DATE: July 2, 2014
TO: Gordon Linn, City Attorney
VIA: Robin M. Bird, Development Services Director *RL*
FROM: Karen Friedman, AICP, Planner *KBF*
SUBJECT: Request for Ordinances: Ch. 76, Parking Meters.

In conjunction with input from several other departments, the proposed text amendments establish a new Code of Ordinances section, Ch 76: Parking Meters. This new code section consolidates all of the existing standards found throughout the Code of Ordinances related to parking meters (Ch. 70, 71, and 98).

Staff would like to have the first reading of the ordinance at the September 9, 2014 City Commission Hearing.

Please review the proposed Ch 76 and draft the necessary Ordinance.

Should you have any questions or comments, please contact me at extension 7792 or email me at Karen.Friedman@copbfl.com.

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TITLE VII: TRAFFIC CODE

CHAPTER 76: PARKING METERS

§ 76.01 PURPOSE

The purpose of this chapter is to promote the public health, safety and general welfare upon the public parking lots and locations of the city by regulating the cost of metered parking; by regulating the time limit of parking in certain parking lots and areas; and to provide penalties for the violation of this chapter.

§ 76.02 DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CAMPER AND RECREATIONAL VEHICLES. For the purposes of this chapter, the term shall include, but not be limited to, travel trailers, truck campers, motor homes, camping trailer, and van conversions.

HOLIDAY. For the purposes of this chapter, the term holiday shall include New Year's Day, Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.

PARKING METER OR METER. Any mechanical device or meter placed or erected for the regulation of parking at or within a public parking facility by authority of this chapter. This term includes **MULTI-SPACE PARKING METER**, which is any mechanical device or meter placed or erected for the regulation of more than one parking space at or within a public parking facility.

PARKING METER SPACE OR METER SPACE. Any space within a parking meter zone adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

PARKING METER ZONE. Any public parking facility upon which parking meters are installed and in operation. This term includes **MULTI-SPACE PARKING METER ZONES**, which are any space or group of spaces controlled by a single multi-space parking meter. Within parking meter zone spaces are numbered so as to allow users to identify the appropriate space number in order to pay the appropriate fees to park in said spaces.

PUBLIC PARKING FACILITY. Any publicly owned parking lot, parking garage, parking space or parking area.

RESIDENCY. As used in this chapter may be established upon proof of any of the following:

- (1) Pompano Beach residency may be established by the presentation of a declaration of domicile or a Broward County Voters Registration Certificate and valid picture identification which show that the individual resides within the corporate limits of the City of Pompano Beach;
- (2) Proof that the individual resides within the corporate limits of the city may be established by proof of property ownership, a copy of a current and validly executed lease agreement, and copies of a water, electric, gas or other utility bills that are less than 60 days old.
- (3) The city may, in its sole discretion, during any period of time an individual enjoys the

benefits of residency status, require the individual to present written documents to the appropriate city personnel to establish any of the forms of residency as set forth above. In addition, the individual may be requested to execute an affidavit under oath in which the individual declares that the representations made to the city regarding residency are true. In the event that residency is established by an individual, that individual's spouse or minor children shall also be entitled to residency rates.

§ 76.03 IMPOSITION OF TIME LIMIT ON PARKING

The provisions of this Chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

§ 76.04 ENFORCEMENT BY CHIEF OF POLICE

It shall be the duty of the Chief of Police to enforce all the provisions of this Chapter.

§ 76.05 AUTHORITY TO ESTABLISH PARKING METER ZONES.

The Chief of Police or his designee is authorized as follows:

- (A) To determine and designate parking meter zones.
- (B) To install and maintain as many parking meters as necessary in the parking meter zones, where it is determined that the installation of parking meters shall be necessary to aid in the regulation, control, and inspection of parking vehicles.
 - (1) The parking meters may be of whatever type determined by the City Commission.
 - (2) Each parking meter installed shall indicate by proper legend the legal parking time established by the City and when operated shall at all times indicate the balance of legal parking time, and at the expiration of the period shall indicate illegal or overtime parking.
- (C) To erect signs in the parking meter zones limiting the hours of operation within the zones and giving notice thereof.

§ 76.06 PARKING METER ZONES.

(A) Designation of Spaces; Installation of Meters.

The following public parking facilities shall constitute Parking Meter Zones. The marking off of individual parking spaces in the Parking Meter Zones and the installation of parking meters in the spaces is authorized, ratified, and confirmed. The placement of the meters shall be in accordance with applicable City ordinances.

<u>TABLE 76.06(A): Designated Parking Meter Zones</u>	
<u>Zone</u>	<u>General Location</u>
<u>Pier Restaurant Lot</u>	<u>222 North Pompano Beach Blvd</u>
<u>Pier Parking Lot</u>	<u>221 North Pompano Beach Blvd</u>
<u>Ocean Side Parking Lot</u>	<u>109 North Ocean Blvd</u>
<u>Beach Plaza Parking Lot</u>	<u>North East Corner of Atlantic Blvd and North Pompano Beach Blvd</u>
<u>The Harbor Village Shops Parking Lots</u>	<u>North side of Atlantic Blvd, between NE 26th Ave and NE 28th Ave</u>

<u>Atlantic Boulevard On-Street Parking</u>	<u>Atlantic Blvd, between SR A1A and N. Pompano Beach Blvd</u>
<u>NE 2nd Street On-Street Parking</u>	<u>North side of NE 2nd Street, between SR A1A and N. Pompano Beach Blvd</u>
<u>NE 3rd Street On-Street Parking</u>	<u>South side of NE 2nd Street, between SR A1A and N. Pompano Beach Blvd</u>
<u>Pompano Beach Boulevard On-Street Parking</u>	<u>East side of North Pompano Beach Boulevard</u>
<u>North Ocean Park Parking Lot</u>	<u>3424 NE 16th Street</u>
<u>Alsdorf Boat Launching Facility Parking Lot</u>	<u>2974 NE 14th Street</u>

(B) Operation of Parking Meters.

- (1) Parking meters shall be in operation twenty-four (24) hours a day, every day including Sundays and holidays in all parking meter zones. However if a parking meter zone's hours of operation are not twenty-four (24) hours a day, every day including Sundays and holidays, this shall be clearly indicated by signage at the zone. Vehicles may not be parked in the parking meter zone outside of the hours of operation.

- (2) When any vehicle shall be parked in any parking space within one of the parking meter zones as described in Table 76.06(A), the operator of this vehicle shall, upon entering the parking meter space, immediately deposit or cause to be deposited in the parking meter the proper coin of the United States as is required for the parking meter and as is designated by proper directions on the meter, and when required by the directions on the meter, the operator of the vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on the meter in accordance with directions properly appearing thereon, and failure to deposit the proper coin, and to set the timing mechanism in operation when so required, shall constitute a violation of this subchapter. The following are exempted from this requirement:
 - (a) Vehicles parked in a period of emergency determined by an officer of the Fire or Police Department;
 - (b) Vehicles parked in compliance with the directions of a police officer, police aide, or traffic-control sign or signal; or
 - (c) Vehicles with a valid decal per Section 76.07(B).

- (3) Upon the deposit of the coin (and the setting of the timing mechanism in operation when so required), the parking space may be lawfully occupied by the vehicle during the period of time which has been prescribed for the part of the street in which the parking space is located, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of the space does not exceed the indicated unused parking time.

§ 76.07 FEE ESTABLISHED FOR PARKING METER ZONES.

(A) Cost of Parking or Standing Vehicle in Parking Meter Space.

- (1) The cost of parking or standing a vehicle in a parking meter space located in all parking meter zones as described in Table 76.06(A) shall be \$.25 per 12 minutes or \$1.25 per hour.
- (2) The cost of parking or standing a vehicle with a trailer in a parking meter space located at

- the Alsdorf Boat Launching facility parking lot shall be \$10.00 per 24-hour period.
(3) The only coins which the meters accept are United States currency.

(B) Parking Permits for Certain Lots.

- (1) A "resident parking permit decal" may be purchased from the City's Treasury Division Office by all residents which shall authorize the parking of the vehicle for which the permit was acquired in any parking meter space located within the Pier Parking Lot and Oceanside Parking Lot as described in Table 76.06(A) without requiring the payment of money into the space's parking meter from 6:00 a.m. until 8:00 p.m. daily.
(a) The cost of a 12-month decal shall be \$60.00, including applicable taxes.
(b) The cost of a 12-month decal for a 2nd vehicle shall be \$10.00, including applicable taxes.
(c) The cost of a 6-month decal shall be \$30.00, including applicable taxes.
- (2) A "monthly overnight parking permit decal" may be purchased from the City's Treasury Division Office by all residents and non-residents which shall authorize the parking of the vehicle for which the permit was acquired in any parking meter space located within the Oceanside Parking Lot as described in Table 76.06(A) without requiring the payment of money into the space's meter overnight.
(a) The cost of the monthly overnight decal shall be \$30.00, including applicable taxes.
- (3) Each permit shall cover the specified time period for the permit, from the date of purchase. The application procedure and the form of the permit shall be determined by the City Manager.
- (4) Permits are not valid for special events, as may be determined by the City Manager.

(E) Interim Incentive for The Harbor Village Shops Parking Lot.

In order to encourage consumer activity, the following interim incentive for The Harbor Village Parking Lot is established:

- (1) The interim incentive shall be in effect for one year from the date of adoption of this ordinance. Notwithstanding the foregoing, the City Commission, may, for any reason and in its sole discretion, discontinue this interim incentive program at any point during the one year.
- (2) A portion of the meter spaces, as indicated by signage within the Harbor Village Shops Parking Lot, shall not be required to pay for parking for the first one hour.
- (3) A portion of the meter spaces, as indicated by signage within the Harbor Village Shops Parking Lot, shall not be required to pay for parking for the first two hours.

(F) Collection of Deposited Moneys.

The City administration shall provide for the regular collection of the money deposited in the parking meters. All of the money shall be deposited into the Parking Enterprise Fund of the City.

§ 76.08 TIME LIMITED PARKING ZONES.

The Chief of Police or his designee is authorized to determine and designate time limited parking zones, where it is determined that the limitation on the length of time vehicles may be parked shall be necessary to aid in the regulation, control, and inspection of parking vehicles.

(A) Two-Hour Parking Zone.

Parking or standing a vehicle in a designated space in a public parking facility described in subsection (2)(a) below shall be lawful for a maximum of two (2) hours.

(1) The two-hour parking limit shall be in effect every day between the hours of 8:00 a.m. and 6:00 p.m., except for Sundays and holidays.

(2) The following public parking facilities shall constitute two-hour parking zones.

(a) The Chief of Police shall mark off individual parking spaces and enforce a two-hour parking restriction in the following described parking areas:

(B) Eight-Hour Parking Zone

Parking or standing a vehicle in a designated space in a public parking facility described in subsection (2)(a) below shall be lawful for a maximum of eight (8) hours.

(1) The eight-hour parking limit shall be in effect every day between the hours of 8:00 a.m. and 6:00 p.m., except for Sundays and holidays.

(2) The following public parking facilities shall constitute eight-hour parking zones.

(a) The Chief of Police shall mark off individual parking spaces and enforce an eight-hour parking restriction in the following described parking areas:

§ 76.09 ENFORCEMENT.

(A) Certain Acts Prohibited and subject to Penalty per City Code of Ordinances 10.99, General Penalty.

It shall be unlawful and a violation of the provisions of this Chapter, subject to penalty per City Code of Ordinances 10.99, General Penalty, for any person to:

- (1) Deface a parking permit or transfer a parking permit from the vehicle for which it was acquired to another vehicle without approval in advance of the City Manager;
- (2) Deface, injure, tamper with, open, break, destroy, or impair the usefulness of any parking meter installed under the provisions of this subchapter; or
- (3) Deposit or cause to be deposited in any parking meter any slugs, device, or metal substance, or other substitute for lawful coins.

(B) Certain Acts Prohibited and subject to Penalty per City Code of Ordinances 70.11, Illegally Parked Vehicles.

It shall be unlawful and a violation of the provisions of this Chapter, subject to penalty per City Code of Ordinances 70.11, Illegally Parked Vehicles, for any person to cause, allow, permit, or suffer any vehicle registered in his name to:

- (1) Be parked beyond the parking time limit set for that parking space;
- (2) Be parked in any parking space adjacent to any parking meter while the meter is displaying a signal indicating that the vehicle occupying the parking space has already been parked beyond the period prescribed for the parking space;
- (3) Be parked in a parking meter zone outside of the hours of operation as indicated at public parking facility;
- (4) Be parked in a time limited parking zone for longer than the maximum time designated by signage at the public parking facility;
- (5) Be parked a camper or recreational vehicle within a parking meter zone or time limited parking zone for any period of time between the hours of 10:00 p.m. and 6:00 a.m., if signage is provided the specifically prohibits this activity;
- (6) Be parked across any line or marking of a parking space or in a position that the vehicle shall not be entirely within the area designated by the lines or markings;

TITLE VII: TRAFFIC CODE

CHAPTER 70: GENERAL PROVISIONS

ENFORCEMENT

§ 70.11 ILLEGALLY-PARKED VEHICLES

(B) The owner or operator receiving a notice as provided in subsection (A) above shall pay to the city as a penalty for and in satisfaction of the violation the sum of \$35. The penalty for parking in a space reserved for disabled persons without the parking permit, license plate, taglet or other statutorily recognized standard as required by law shall be the sum of \$250. In the event the city is not noticed pursuant to the provisions as contained in subsection (C) below within 14 days of the issuance of the parking citation and the penalty assessed for the parking violation is not satisfied within 14 days of the issuance thereof, the penalty for the violation shall be increased by the sum of ~~\$12~~ \$25. ~~The penalty for parking in a space reserved for disabled persons without the parking permit, license plate, taglet or other statutorily recognized standard as required by law shall be the sum of \$250.~~ Failure to pay any penalty for parking violations shall be a violation of this chapter and the responsible parties shall be subject to appropriate action which shall include, but not be limited to, the matter being turned over to a collection agency, and/or having an immobilizing device placed on the vehicle, commonly known as the "boot," or have a hold placed on the license plate, until such time as all unpaid citations have been paid.

Traffic Control Devices

~~§ 70.24 PARKING METER ZONES.~~

~~The Chief of Police or his designee is authorized to determine and designate metered parking zones, and install and maintain as many parking meters as necessary in the metered parking zones, where it is determined that the installation of parking meters shall be necessary to aid in the regulation, control, and inspection of parking vehicles. The parking meters may be of whatever type determined by the City Commission.~~

CHAPTER 71: TRAFFIC RULES

~~§ 71.05 PARKING METER TIME LIMITS; FEES.~~

- (A) ~~In all metered parking zones, excluding Aisdorf Park Lot A (Boat Launching Facility), parking or standing a vehicle in a designated space shall be lawful upon the deposit of \$.25 for each 12 minutes.~~
- (B) ~~Parking meters shall be in operation twenty four (24) hours a day, every day including Sundays and holidays in all metered parking zones.~~
- (C) ~~Parking meter time limits and fees may be waived by the City Manager for such special events that may serve to promote the interests of the city or at such other times as the City Manager may determine. In the event that the City Manager denies a waiver of parking meter time limits and/or fees, the person or entity requesting the waiver may petition the City Commission and, for good cause shown, the City Commission may grant the waiver.~~

~~§ 71.06 PARKING METER VIOLATIONS.~~

~~It shall be unlawful and a violation of the provisions of this chapter for any person to do the following.~~

- ~~(A) To cause, allow, permit, or suffer any vehicle registered in the name of, or operated by the person to be parked overtime, or beyond the period of legal parking time established for any parking meter zone.~~
- ~~(B) To permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while the meter is displaying a signal indicating that the vehicle occupying the parking space has already been parked beyond the period prescribed for the parking space.~~
- ~~(C) To park any vehicle across any line or marking of a parking meter space or in a position so that the vehicle shall not be entirely within the area designated by the lines or markings.~~
- ~~(D) To deface, injure, tamper with, open, or willfully break, destroy, or impair the usefulness of any parking meter, or to deposit or cause to be deposited in any parking meter any slug, device, or metal substance, or other substitute for lawful coins.~~

CHAPTER 98: PARKS AND PLAYGROUNDS

~~§ 98.09 ALSDORF PARK.~~

- ~~(B) A meter device shall be installed at the Alsdorf Boat Launching facility. The parking fee for motor vehicles with trailers shall be \$10 per 24-hour period.~~
- ~~(C) Parking meters shall be installed in the areas not specifically designated for motor vehicles with trailers. The parking fee shall be \$0.25 for each 12 minutes.~~

~~§ 98.10 FEES.~~

- ~~(C) Oceanside and Pier Parking Lots.~~
 - ~~(1) The Oceanside Parking Lot and Pier Parking Lot both have parking meters with a parking fee of \$0.25 for each 12 minutes.~~
 - ~~(2) As an alternative to the payment of fees to the parking meters, parking permit decals may be purchased by city residents through a Parking Permit Application obtained from the Treasury Division.~~
 - ~~(a) Annual resident parking permit decals may be purchased at the Treasury Division Office in City Hall at the annual rate of \$60.00, which includes sales tax. Also, a semi-annual resident parking permit decal may be purchased for \$30.00, which includes sales tax. A resident parking permit decal may also be purchased for a second vehicle for \$10.00, which includes sales tax. Resident parking permit decals authorize parking from 6:00 a.m. to 8:00 p.m.~~
 - ~~(b) Oceanside Parking Lot monthly permits may also be purchased at the Treasury Division for \$30.00 per month, which includes sales tax, to allow overnight parking privileges. These monthly parking lot permits for the Oceanside Parking Lot are for use by non-residents or residents seeking to park in this lot overnight.~~
 - ~~(c) All applicants for any resident parking permit must provide proof of city residency.~~