

ORDINANCE NO. 11 - 2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, CREATING CHAPTER 31 ENTITLED "PARKING IN RIGHTS OF WAY, AND PUBLIC PARKING AREAS AND SPACES"; CREATING A NEW ARTICLE I TO BE ENTITLED "IN GENERAL"; PROVIDING FOR THE CREATION OF SECTION 31-1 INCORPORATING THE FLORIDA UNIFORM TRAFFIC LAW INTO THE TOWN CODE; PROVIDING FOR THE CREATION OF SECTION 31-2 AUTHORIZING THE TOWN'S LAW ENFORCEMENT OFFICERS TO ENFORCE TRAFFIC LAWS AND TO ISSUE PARKING CITATIONS ALONG WITH CODE COMPLIANCE AS SET FORTH HEREIN; PROVIDING FOR THE CREATION OF ARTICLE II TO BE ENTITLED "LIMITATIONS ON THE PARKING OF VEHICLES, RECREATIONAL VEHICLES, BOATS, AND TRAILERS"; PROVIDING FOR SECTION 31-3 TO PROHIBIT PARKING IN POSTED AREAS; PROVIDING FOR SECTION 31-4 AUTHORIZING DESIGNATED "NO PARKING" AREAS IN THE TOWN; PROVIDING FOR SECTION 31-5 REGULATING PARKING WITHIN DELINEATED AREAS; PROVIDING FOR SECTION 31-6 AUTHORIZING LIMITATIONS ON THE TIME MOTOR VEHICLES MAY BE PARKED WITHIN CERTAIN AREAS; PROVIDING FOR SECTION 31-7 AUTHORIZING THE TOWN TO TOW AND IMPOUND VEHICLES VIOLATING THE PROVISIONS HEREIN; PROVIDING FOR SECTION 31-8 AUTHORIZING THE TOWN TO LIEN A MOTOR VEHICLE TO SECURE THE RECOVERY OF ANY COSTS INCURRED BY THE TOWN IN THE TOWING AND IMPOUNDMENT OF MOTOR VEHICLES; PROVIDING FOR SECTION 31-9 FOR THE ISSUANCE OF CIVIL CITATIONS AND FINES FOR VIOLATIONS OF THIS CHAPTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes.

WHEREAS, pursuant to its home rule powers the Town Commission has the authority to adopt provisions pertaining to the regulation of the parking of vehicles within road rights-of-way, the Town's public parking areas and parking spaces within properties in the Town; and

WHEREAS, the Town Manager has recommended to the Town Commission that a new Chapter of the Town Code be created to regulate the parking of vehicles,

recreational vehicles, boats and trailers in the rights of ways and in the public parking areas and spaces of the Town; and

WHEREAS, the Town Commission has determined that the amendment to the Town Code recommended by the Town Manager would further the public's health, safety and general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA.

Section 1. The whereas clauses are incorporated herein as true and correct and as legislative findings of the Town Commission.

Section 2. Chapter 31, Articles I and II of the Town's Code of Ordinances is hereby created to read as follows:

Sec. 31-1. Florida uniform traffic law incorporated.

The Florida uniform traffic law is hereby incorporated herein. The traffic laws of the state may be enforced by any law enforcement officer in the Town.

Sec. 31-2. Enforcement of laws/citations

The town's law enforcement officers have the authority to enforce all traffic laws within the town and to issue civil citations. The town's code compliance officers have the authority to issue parking citations in the town for vehicles which have been improperly parked.

Sec. 31-3. Parking prohibited in posted areas.

(a) It shall be unlawful for any person owning or being in possession of a motor vehicle, as defined in F.S. Ch. 316, to permit the same to be parked, stand or remain within public parking lots when such area is closed to the public in accordance with signs posted thereon that also indicate the authority to tow.

(b) Notice of the time periods when the parking of motor vehicles is permitted in public parking areas is authorized shall be given by placing signs at a prominent place upon the public property with language including the authorization to tow.

(c) The provisions of this section shall not apply to law enforcement, firefighting, rescue squad, ambulance or other emergency vehicles which are marked as such or to property owned by any governmental entity.

Sec. 31-4. No parking areas.

(a) Pursuant to authority granted herein and by F.S. §316.008, the Town Manager or his/her designee may prohibit parking within all or a portion of a public parking area within the Town.

(b) The Town Manager or his/her designee shall cause appropriate signs to be installed and maintained at any location and during such times as parking may be prohibited with language that authorizes towing.

(c) Any person violating the provisions of this section shall be subject to a fine pursuant to section 31-9.

(d) An appeal of the fine imposed by this section may be taken to the Town's Code Compliance Magistrate. The appeal shall be filed with the Clerk of the Town's Code Compliance Division within ten days of the date on the citation.

Sec. 31-5. Parking within delineated areas.

Every motor vehicle or boat trailer stopped or parked in an area designated for motor vehicle parking wherein parking spaces or stalls have been delineated by markings, stripes, wheel stops, curbs or other like devices, shall be parked or stopped as follows:

(a) Where parallel parking is provided or indicated, every vehicle shall be so stopped or parked parallel to the curb, stripe or edge of the roadway, in the space provided, in the direction of authorized traffic movement, with its wheels on the side nearest the curb or edge of the stripe or roadway parallel thereto and within a distance of 12 inches.

(b) Where angle parking is provided or indicated, every vehicle shall be so stopped or parked within the limits of the parking space or stall so provide, with the length of the vehicle parallel to the side markings or stripes of the parking stall and approximately in the center thereof sufficiently to avoid interference or encroachment with any parking space or stall located on either side thereof.

(c) General parking areas shall mean those areas within the Town which have been constructed, located or designated as public or semi-public parking areas or any other public area where general parking of motor vehicles is permitted or authorized as a matter of right.

(e) Any person violating the provisions of this section shall be subject to a fine pursuant to section 31-9.

(f) An appeal of the penalty imposed by this section may be taken to the Town's Code Compliance Magistrate. The appeal shall be filed with the Clerk of the Town's Code Compliance Division within ten days of the date on the citation.

Sec. 31-6. Parking time-limited in certain areas.

(a) Pursuant to authority granted herein and by F.S. §316.008, the Town Manager or his/her designee shall determine time-limited parking areas within the Town.

(b) The Town Manager or his/her designee shall cause appropriate signs in adequate number at prominent locations to be installed and maintained at such location to apprise motorists of the time-limited restricted parking areas and the authorization to tow.

(c) Motor vehicles parked in the Lake Park Harbour Marina Parking lot shall be limited to the parking of motor vehicles and boat trailers for a period of no more than 24 hours, unless the Marina Director has provided the owner of the motor vehicle with written permission to do so. In such cases, the Marina Director shall issue a parking placard which the owners shall prominently display so that it is readily visible when viewed from outside of the vehicle.

(d) Any person violating the provisions of this section shall be subject to a fine pursuant to section 31-9.

(e) An appeal of the penalty imposed by this section may be taken to the Town's Code Compliance Magistrate.

Sec. 31-7. Authority to remove and impound vehicles.

The Town Manager or his/her designee, or law enforcement officers are hereby authorized to have any motor vehicle immediately towed from any public street, place or parking area under any of the circumstances hereinafter enumerated:

(1) When any motor vehicle is disabled upon any public parking area or street and such motor vehicle constitutes an obstruction to traffic.

(2) When any motor vehicle is left unattended or disabled for more than 24 hours in a public parking area or street without written authorization from the Town.

(3) When any motor vehicle is parked in a public parking area and is not parked within a marked or delineated parking space or stall, and constitutes an obstruction to traffic or the orderly use of the public parking area.

(4) When any motor vehicle is improperly parked in an area that is designated by signs stating that improperly parked vehicles will be towed away.

(5) When any motor vehicle is parked in a designated "no parking" area.

(6) When any motor vehicle is left disabled or unattended on any portion of any public sidewalk or bike path at any hour of the day or night.

(7) When removal of any motor vehicle is necessary in the interest of public safety because of fire, flood, storm or other emergency reason.

Sec. 31-8. Lien for cost or removal.

The cost for the removal of any motor vehicle shall become a lien against such motor vehicle. No motor vehicle impounded in an authorized garage as herein provided shall be released therefrom until any fine imposed by the Town is paid, and the charges for towing such vehicle and any storage charges have been.

Sec. 31-9. Uniform fine for parking violation notices.

Parking violations as set forth herein shall have associated fines established by Resolution of the Town Commission. Motor vehicles blocking parking aisles within the Marina parking areas shall be subject to an increased fine established by Resolution of the Town Commission.

Section 3. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Codification. The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 5. Effective Date. This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 21 day of December, 2016, the foregoing Ordinance was offered by Commissioner O'Rourke who moved its approval. The motion was seconded by Commissioner Lynch and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 25 DAY OF December, 2016

Upon Second Reading this 4 day of January, 2017, the foregoing Ordinance, was offered by Commissioner O'Rourke who moved its adoption. The motion was seconded by Commissioner Flaherty and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 11-2016 duly passed and adopted this 4 day of January, 2017.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
Mayor, James DuBois

ATTEST:

Vivian Mendez
Town Clerk, Vivian Mendez
TOWN OF LAKE PARK, FLORIDA
(Seal)

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA

The Palm Beach Post

Palm Beach Daily News



RECEIPT

Account: G3573
Name: TOWN OF LAKE PARK
Address: 535 PARK AVE
LAKE PARK FL 33403-2603

Phone: 561-881-3300
E-mail: VMENDEZ@LAKEPARKFLORIDA.GOV

Order Name: NOTICE OF PROPOSED ORDINANCE
Order Id: 689865
Original Order Id:
Copy Line: LEGAL NOTICE OF PROPOSED ORDINANCETOWN O
Sales Rep: PB116 R Hindmarch (P)
Purchase Order:
Pay Type: Billed
Account Group:
Caller: Vivian Mendez
Section: 6205 Legal Notices
Reply Request:
Tear Sheets: 0

Order Summary
Base: \$288.96
Other Charges: \$0.00
Discounts: \$0.00
Agency Commission: \$0.00
Sales Tax: \$0.00

Total Order \$288.96

Payment Summary
No payment information available.

The Palm Beach Post

Palm Beach Daily News



RECEIPT

Ad Name: 1352014A

Ad Id: 1352014

Original Ad Id:

Start: 12/25/2016
Stop: 12/25/2016
Issues: 1
Words: 393
Dimensions: 1 X 84
Color:

Editions

PB Post
PB Post Web

The Palm Beach Post

Palm Beach Daily News



RECEIPT

LEGAL NOTICE OF PROPOSED ORDINANCE TOWN OF LAKE PARK

Please take notice that on Wednesday, January 4, 2017 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

Ordinance No. 11-2016

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, CREATING CHAPTER 31 ENTITLED "PARKING IN RIGHTS OF WAY, AND PUBLIC PARKING AREAS AND SPACES"; CREATING A NEW ARTICLE I TO BE ENTITLED "IN GENERAL"; PROVIDING FOR THE CREATION OF SECTION 31-1 INCORPORATING THE FLORIDA UNIFORM TRAFFIC LAW INTO THE TOWN CODE; PROVIDING FOR THE CREATION OF SECTION 31-2 AUTHORIZING THE TOWN'S LAW ENFORCEMENT OFFICERS TO ENFORCE TRAFFIC LAWS AND TO ISSUE PARKING CITATIONS ALONG WITH CODE COMPLIANCE AS SET FORTH HEREIN; PROVIDING FOR THE CREATION OF ARTICLE II TO BE ENTITLED "LIMITATIONS ON THE PARKING OF VEHICLES, RECREATIONAL VEHICLES, BOATS, AND TRAILERS"; PROVIDING FOR SECTION 31-3 TO PROHIBIT PARKING IN POSTED AREAS; PROVIDING FOR SECTION 31-4 AUTHORIZING DESIGNATED "NO PARKING" AREAS IN THE TOWN; PROVIDING FOR SECTION 31-5 REGULATING PARKING WITHIN DELINEATED AREAS; PROVIDING FOR SECTION 31-6 AUTHORIZING LIMITATIONS ON THE TIME MOTOR VEHICLES MAY BE PARKED WITHIN CERTAIN AREAS; PROVIDING FOR SECTION 31-7 AUTHORIZING THE TOWN TO TOW AND IMPOUND VEHICLES VIOLATING THE PROVISIONS HEREIN; PROVIDING FOR SECTION 31-8 AUTHORIZING THE TOWN TO LIEN A MOTOR VEHICLE TO SECURE THE RECOVERY OF ANY COSTS INCURRED BY THE TOWN IN THE TOWING AND IMPOUNDMENT OF MOTOR VEHICLES; PROVIDING FOR SECTION 31-9 FOR THE ISSUANCE OF CIVIL CITATIONS AND FINES FOR VIOLATIONS OF THIS CHAPTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk
Town of Lake Park, Florida

PUB: The Palm Beach Post
12-25/2016 #689865