

ORDINANCE NO. 10-2009

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND MOTOR VEHICLES", PROVIDING FOR THE AMENDMENT OF ARTICLE I, SECTION 30-2 ENTITLED "PROHIBITED PARKING"; PROVIDING FOR THE CREATION OF NEW ARTICLE IV TO BE ENTITLED "PARKING METERS"; CREATING NEW SECTION 30-71 TO BE ENTITLED "PARKING METERS; PARKING METERED SPACES, ZONES; INSTALLATION"; CREATING A NEW SECTION 30-72 TO BE ENTITLED PARKING WHEN METER/METER RECEIPT INDICATES VIOLATION; MAXIMUM PERIOD; DAYS EFFECTIVE; PARKING WITHIN SPACES"; CREATING A NEW SECTION 30-73 TO BE ENTITLED "COLLECTION OF MONEY"; CREATING A NEW SECTION 30-74 TO BE ENTITLED "USE OF SLUGS, ETC.; DAMAGING METERS"; CREATING A NEW SECTION 30-75 TO BE ENTITLED "ENFORCEMENT"; CREATING A NEW SECTION 30-76 TO BE ENTITLED "DEFINITIONS"; 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; and

WHEREAS, the Town Commission has adopted general provisions pertaining to traffic and motor vehicles, including parking regulations and offenses, which have been codified at Chapter 30, Article I, of the Code of Ordinances; and

WHEREAS, the Town Commission has determined that it is in the best interests of the Town and its residents, to amend the current parking regulations set forth in Section 30-2 (a) of the Town Code, to prohibit parking in additional areas, which regulations will be consistent in part, with the provisions of the State Uniform Traffic Control Law pertaining to stopping, standing and parking of vehicles in specified places (i.e., Chapter 316, Section 315.1945, Fla. Stat.); and

WHEREAS, Town staff has recommended to the Town Commission that Code Sections 30-2 of Chapter 30, Article 1, be amended to the parking of vehicles in specified places as specified herein: and

WHEREAS, Town staff has recommend to the Commission that it create a new Article IV, Sections 30-72, 30-73, 3-74, 30-75, 30-76 of Chapter 30; and

WHEREAS, the Town Commission has reviewed the recommendations of the Town staff and has determined that amending Section 30-2 (a) of Chapter 30, Article 1 and creating a new Article IV, Sections 30-72, 30-73, 30-74, 30-75 & 30-76 of Chapter 30, of the Town's Code of Ordinances is necessary to further the public 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 the legislative findings of the Town Commission.

Section 2. Chapter 30, Article I, Section 30-2 (a) of the Code of Ordinances of the Town of Lake Park, Florida are hereby amended to read as follows:

Sec. 30-2. Prohibited parking.

(a) Streets and service alleys.

(1) The on-street parking on any portion of Park Avenue is strictly prohibited except in designated parking stalls or areas which are designated by town signage for the temporary stopping or standing of motor vehicles for the limited purpose of passenger drop-off and pick-up.

~~(2) No parking shall be permitted on the 100 block of East Jasmine Drive, between the hours of 6:00 a.m. and 6:00 p.m., except Sundays and holidays.~~

(2) No parking shall be permitted at any time within the 700, 800 and/or 900 block service alleys, except in designated parking stalls approved by the town commission.

(3) No parking shall be permitted at any time along the eastern side of Miller Way.

(4) No parking shall be permitted at any time along the eastern side of Reed Road.

- (5) No parking shall be permitted at any time along the eastern side of Brant Road.
- (6) No parking shall be permitted at any time along the eastern side of 12th Street.
- (7) No parking shall be permitted at any time along the eastern side of 13th Street.
- (8) No parking shall be permitted at any time along the eastern side of 14th Street.
- (9) No parking shall be permitted at any time along the eastern side of 15th Street.
- (10) No parking shall be permitted at any time along the southern side of Newman Road.
- (11) No parking shall be permitted at any time along the southern side of Kinetic Road.
- (12) No parking shall be permitted at any time on 10th Street between Park Avenue and Northlake Blvd.
- (13) No parking shall be permitted at any time on Watertower Road.
- (14) No parking shall be permitted at any time on Gateway Road.
- (15) No parking shall be permitted at any time on South Killian Drive.
- (16) No parking shall be permitted at any time on West Killian Drive.
- (17) No parking shall be permitted at any time on North Killian Drive.
- (18) No parking shall be permitted at any time on 10th Court.
- (19) Parking shall be permitted along 10th Street between Park Avenue and Silver Beach Road only in designated parking stalls or areas which are designated by town signage.
- (20) No parking shall be permitted at any time on Lake Shore Drive except in designated metered parking spaces.
- (21) No parking shall be permitted at any time on Cypress Drive between Lake Shore Drive and Federal Highway.
- (22) No parking shall be permitted at any time on Date Palm Drive between Lake Shore Drive and Federal Highway.
- (23) No parking shall be permitted at any time on Evergreen Drive between Lake Shore Drive and Federal Highway.
- (24) No parking shall be permitted at any time on Foresteria Drive between Lake Shore Drive and Federal Highway. except in designated metered parking spaces.
- (25) No parking shall be permitted at any time on Greenbriar Drive between Lake Shore Drive and Federal Highway except in designated metered parking spaces.
- (26) No parking shall be permitted at any time on Hawthorne Drive between Lake Shore Drive and Federal Highway.
- (27) No parking shall be permitted at any time on East Ilex Drive between Lake Shore Drive and Federal Highway.
- (28)No parking shall be permitted at any time on East Jasmine Drive between Lake Shore Drive and Federal Highway.

Section 3. Chapter 30, Article IV, Sections 30-71, 30-72, 30-73, 30-74, 30-75 & 30-76 are hereby created to read as follows:

ARTICLE IV. PARKING METERS

Sec. 30-71. Parking meters; parking metered spaces, zones; installation.

(a) The town manager may recommend the installation of parking meters and/or pay and display and pay by space stations, or other such devices and may cause to be installed same upon approval by the town commission, in specifically designated metered spaces. The parking meters/stations may be of whatever type as approved by the town commission.

(1) Parking metered zones are hereby established within the area and upon those streets or parts of streets designated by the town commission.

(2) Parking metered space rates shall be established and amended by the adoption of a resolution of the town commission.

(b) Deposit of U.S. currency by cash or credit card. Permission to park in a metered parking space shall be granted for the length of time indicated upon the deposit of a sum as required and indicated for the designated metered space.

Sec. 30-72. Parking when meter/meter receipt indicates violation; maximum period; days effective; parking within spaces.

(a) No person shall park any vehicle or permit any vehicle to remain parked in any parking metered space when the parking meter/meter receipt for the space occupied by such vehicle indicates a violation.

(b) No person shall park any vehicle or permit any vehicle to remain parked in any parking metered space for a continuous period of time greater than the maximum time provided for on the meter/meter receipt.

(c) When parking metered spaces are designated giving notice thereof, no person shall stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by said parking meters or meter receipts upon the deposit of a coin or card of the designated denomination on any day unless otherwise posted, upon any of the streets so marked by designation of the town commission.

(d) Every vehicle shall be parked wholly within the metered parking space for which the meter/meter receipt shows parking privilege has been granted,

(e) In any metered parking space regulated by a pay and display station, such meter receipt shall be prominently displayed upon the dashboard of the vehicle or be clearly visible from through the front window of the vehicle. Such meter receipt shall be displayed writing side up. Failure to have the meter receipt visible and readable shall be considered a violation and the vehicle shall be consider illegally parked.

(f) Every vehicle parked in a parking metered space other than a parallel space shall be parked with the front end or front part of such vehicle facing away from the street.

Sec. 30-73. Collection of money.

(a) The town manager or the town manager's designee shall regularly collect monies deposited in meters/metered stations located in the town, the receipts thereof to be turned over to the finance department.

Sec. 30-74. Use of slugs, etc.; damaging meters.

(a) It is unlawful to deposit in any parking meter/station any coin, slug, etc. that is bent, cut, torn, battered, or otherwise misshapen. It is unlawful for any unauthorized person to remove, deface, tamper with, open, break, destroy or damage any parking meter. It is unlawful for any person to willfully manipulate any parking meter in such a manner that the indicator will not operate and continue to show the correct amount of unexpired time. Any person doing so shall be subject to the penalties set forth in Section 877.08(2), (3) and (4), Florida Statutes.

(b) For special events as declared by the town manager it shall not be unlawful for any person to park in a metered parking space when the meter/meter receipt regulating such space shall indicate that parking in such space is an overtime violation.

(c) Tickets and Violation. It shall be the duty of the town manager, or such persons acting at the direction of the town manager to report:

(1) The number of each parking meter, meter receipt, or metered space which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions of this article.

(2) The state license number of such vehicle.

(3) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

(d) Each such parking enforcement officer shall also attach to such vehicle a notice to the owner thereof that such vehicle has been parked in violation of the provisions of this division.

Section 30-75. Enforcement

(a) Each such vehicle owner ticketed for illegal parking shall pay the Town as a penalty for such violation a sum established by a resolution of the Town Commission. If such owner shall fail to pay the penalty within five days of notice of such violation, a Notice of Hearing may be issued ordering and directing the owner to appear before the town's special magistrate. If such alleged violator is found guilty of such violation, such violator shall be ordered to pay such amount as determined by the special magistrate

(b) Violations of the requirements of this article may be enforced by the Town through the Town's Code Compliance Procedure in accordance with the provisions of Chapter 162, Fla. Stat., and the Town Code. In the event of a violation of this article, the Town also reserves its rights to pursue any and all other legal remedies available to the Town.

(c) If a vehicle accumulates three or more unpaid and uncontested tickets the Town shall provide the Palm Beach County Clerk of Courts with a listing of all persons who have three or more outstanding parking violations or one or more handicapped parking zone violations issued by the city.

1. If a person's name appears on the list referred to in subsection (c), above, the county tax collector shall not issue a license plate or revalidation sticker to such person until such person's name no longer appears on such list or until the person presents a receipt showing that such parking fines and all applicable late charges or other related charges have been paid. The tax collector shall be entitled to receive monthly, as costs for implementing and administering this subsection, ten percent of the civil penalties and fines recovered from such persons.

(d) Any final order finding a violation of this article and imposing fines and costs for the violation, shall constitute a valid lien in favor of the Town against all real and personal property of the violator, as provided in Chapter 162, Fla. Stat., (2009), as amended from time to time.

Sec. 30-76. Definitions

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

Parking meter - A coin or card-operated device that registers the amount of time purchased for the parking of a motor vehicle, at the expiration of which the driver is liable for a fine.

Pay and Display Parking Meter Station (Pay and Display) – is a single parking meter station that covers/regulates multiple spaces. Users pay at the meter station and display the resulting meter receipt on the dashboard of the vehicle.

Pay by Space Parking Meter Station – is a single parking meter station that covers/regulates multiple parking spaces where each space has a specific identifying number. Users pay at the meter station and enter the number of their specific parking space into the meter station.

Parking Space – an area for the purpose of parking one motor vehicle.

Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and 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 6. **Effective Date.** This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 19 day of August, 2009, the foregoing Ordinance, was offered by Vice-Mayor Carey who moved its approval. The motion was seconded by Commissioner Osterman and being put to a vote, the result was as follows:

| | AYE | NAY |
|--------------------------------|----------|----------|
| MAYOR DESCA DUBOIS | <u>/</u> | _____ |
| VICE MAYOR JEFF CAREY | <u>/</u> | _____ |
| COMMISSIONER ED DALY | _____ | <u>/</u> |
| COMMISSIONER PATRICIA OSTERMAN | <u>/</u> | _____ |
| COMMISSIONER KENDALL RUMSEY | <u>/</u> | _____ |

PUBLISHED IN THE PALM BEACH POST THIS 23 DAY OF August, 2009

Upon Second Reading this 2 day of September, 2009, the foregoing Ordinance, was offered by Vice-Mayor Carey who moved its adoption. The motion was seconded by Commissioner Osterman and being put to a vote, the result was as follows:

| | AYE | NAY |
|--------------------------------|----------|----------|
| MAYOR DESCA DUBOIS | <u>/</u> | _____ |
| VICE MAYOR JEFF CAREY | <u>/</u> | _____ |
| COMMISSIONER ED DALY | _____ | <u>/</u> |
| COMMISSIONER PATRICIA OSTERMAN | <u>/</u> | _____ |
| COMMISSIONER KENDALL RUMSEY | <u>/</u> | _____ |

The Mayor thereupon declared **Ordinance No. 10-2009** duly passed and adopted this 2 day of September, 2009.

TOWN OF LAKE PARK, FLORIDA

BY: Desca DuBois
Mayor, Desca DuBois

ATTEST:

Vivian M. Lemley
Town Clerk, Vivian M. Lemley
(Town Seal)
TOWN OF LAKE PARK
SEAL

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA