

**CITY OF MEXICO BEACH
ORDINANCE NO. 390**

AN ORDINANCE RELATING TO STOPPING, STANDING OR OTHERWISE PARKING OF A VEHICLE; PROHIBITED PARKING; PROVIDING FOR VIOLATIONS; ISSUANCE OF PARKING CITATIONS; PAYMENT AND ENFORCEMENT OF VIOLATIONS; PROVIDING FOR INCORPORATION, CONFLICT, AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, The City of Mexico Beach has determined that improper and non-regulated parking is detrimental to the health, safety and welfare of the citizens of Mexico Beach and thus constitutes a public nuisance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mexico Beach, Florida that:

Section 1: Findings and Purpose.

The City Council of Mexico Beach does hereby find the following facts;

1. The improper and non-regulated parking is detrimental to the health, safety and welfare of the citizens of Mexico Beach.
2. The clear passage of public roadways and streets, including parking lots, business access, city parks, and all other facilities is vital to the citizens of Mexico Beach.
3. The protection of the quality of life and economy for the City of Mexico Beach businesses and its citizens can be accomplished by controlling parking and access to facilities

Section 2: Title and Citation.

This ordinance shall be known as and may be cited as the "City of Mexico Beach Parking Control Ordinance."

Section 3: Applicability

This ordinance shall apply to and be enforced within the corporate limits of the City of Mexico Beach

Section 4: Definitions

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

- (a) Business day means weekdays of Monday through Friday, excludes Saturday, Sunday, and legal holidays as recognized by the United States Postal Service and the City of Mexico Beach.
- (b) City road right of way means any strip of land granted, dedicated, or deeded to the public occupied or intended to be occupied by a road, sidewalk, utility, storm drainage pipes, swales, etc.
- (c) Department means the state department of highway safety and motor vehicles.
- (d) Driver means any person who drives or has actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.
- (e) Intersection means the area embraced within the prolongation or connection of the lateral curb lines or if none then the lateral boundary lines of the roadways of two roadways which join one another at, or approximately at, right angles; or the area within which vehicles travel upon different roadways joining at any other angle may come in conflict
- (f) Motor vehicles means any vehicle which is self-propelled, but not including any bicycle or moped as defined in this section.
- (g) Official traffic control devices means all signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.
- (h) Operator means any person who is in actual physical control of a motor vehicle upon the roadway or who is exercising control over or steering a vehicle being towed by a motor vehicle
- (i) Owner means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession as vested in the conditional vendee, or lessee, or mortgagor, shall be deemed the owner, for the purpose of this definition,
- (j) Park or parking means the standing or stopping of a vehicle, whether occupied or not, otherwise and temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this article.

- (m) Parking Enforcement Officer includes the Director of the Department of Public Safety, any City of Mexico Beach Police Officer, any designee of the Director of the Department of Public Safety, any City Code Compliance Personnel, the Sheriff and any Deputy Sheriff of Bay County, and any State Law Enforcement Officer.
- (n) Pedestrian means any person afoot.
- (o) Person means any natural person, firm, co-partnership, association, or Corporation.
- (p) Public parking space means any parking space on city-owned/leased property, public property, or on private property which the owner, lessee, or person in control of such property provides for use by members of the public other than employees of such owner, lessee, or person, including, but not limited to, parking places at shopping centers, stores, offices, motels, restaurants, and marinas.
- (q) Sidewalk means that portion of a street between the curb line, or the lateral line, or a roadway and the adjacent property lines, intended for use by pedestrians.
- (r) Standing means the temporary stopping of a passenger vehicle for the purpose of and while actually engaged in picking up and discharging persons.
- (s) Stop or stopping means any stopping of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a law enforcement officer, traffic control sign, or signal.
- (t) Street or highway means the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic.

Section 5: Jurisdiction

The provisions of this article prohibiting the stopping, standing or parking of a vehicle shall be in effect upon all streets and highways within the incorporated area of the City of Mexico Beach and shall apply at all times or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic, or in compliance with the directions of a law enforcement officer or traffic-control device.

Section 6: Placement of Official Signs

The Director of the Department Public Safety, hereby known as the Chief of Police, or his designee shall investigate changes concerning parking restrictions to be placed upon streets and highways in the incorporated area of the City, except as directed by city council. The Chief of Police may make changes, except as directed by the city council, which shall be in accordance with the terms of this ordinance in an effort to clearly inform the public and to assist compliance with the conditions set forth.

These changes shall include, but are not limited to:

- (1) All night parking;
- (2) Angle Parking;
- (3) Parking on the left side of one way streets or highways;
- (4) Parking on one way streets;
- (5) Prohibited parking;
- (6) Limited parking;

Except as directed by the city council, upon the order of the Chief of Police enacting restrictions or prohibiting parking, standing, or stopping in certain areas along city street or alley, such street shall be posted with signs specifying the restrictions or prohibitions of parking, standing, or stopping.

Section 7: Prohibited Parking.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the direction of a law enforcement officer or official traffic control device, no person shall:

- (1) Stop, stand or park a vehicle:
 - a. Upon a street or highway in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic;
 - b. On the roadway side of any vehicle stopped or parked at the edge or curb of a street or right of way;
 - c. On a sidewalk, bike path, or bike lane;
 - d. Within an intersection;

- e. On a crosswalk;
- f. Alongside or opposite any street or highway, or obstruction when stopping, standing, or parking would obstruct traffic;
- g. Upon any bridge or other elevated structure upon a highway, where parking is not provided herein;
- h. Within any fire lane or fire zone appropriately signed;
- i. Within 20 feet of a driveway entrance to any fire station and on the side of a street or highway opposite the entrance to any fire station within 15 feet of said entrance;
- j. At any place where official signs prohibit standing or parking;
- k. Upon any public street, city road, public property, or right of way for the principal purpose of displaying such vehicle for sale;
- l. Upon any street for the principal purpose of washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency;
- m. Upon any street for the principal purpose of selling merchandise except when authorized or licensed under the ordinances of this municipality;
- n. So that a portion of the vehicle extends over any of the lines delineating the parking space for a vehicle or parts of a vehicle extending into a roadway causing a potential safety hazard for vehicles traveling upon a roadway;
- o. Upon the roadway side of another vehicle that is parked, stopped or standing legally within a parking space;
- p. Backed into a public parking space marked for angle parking;

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- a. In front of a public or private driveway;
- b. Within 15 feet of a fire hydrant;
- c. Within 20 feet of a crosswalk at an intersection, unless otherwise authorized in writing by the Director of Public Safety or at the direction of the city council;
- d. Within 15 feet upon the approach to any stop sign or traffic control signal located at the side of a roadway;
- e. At any place where official signs prohibit or restrict parking or in excess of time periods authorized by such signs
- f. Across the delineated boundaries of a public parking place;
- g. Upon the area of the beach seaward of the pavement area of any roadway located adjacent to the public beach, excluding the right of way area of US Highway 98 where vehicles are allowed to park upon the unpaved right of way in a safe manner, or in designated areas.

(3) It is unlawful for any person or persons to willfully obstruct the free, convenient, and normal use of any public street, highway or road, by impeding, hindering, stifling, retarding, or restraining traffic or passage thereon, or by endangering the safe movement of vehicles or pedestrians traveling thereon:

- a. No person shall stop, stand or park a vehicle within an alley in a business district except for the expeditious loading or unloading of material, and in no event for a period of more than 20 minutes, and no person shall stop, stand or park a vehicle in any other alley in such a manner as to obstruct the free movement of vehicular traffic unless otherwise posted;
- b. No person shall stop, stand, or park a vehicle within the front road located within the area known as the Mexico Beach Business Center, a road that runs from east to west between N. 30th Street and N. 32nd Street parallel to US Highway 98 except in designated parking spaces;
- c. No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property;

- d. No person shall stand or park a vehicle within the main paved portion of a street as to willfully obstruct the free, convenient, and normal use of any public street, highway or road, by impeding, hindering, stifling, retarding, or restraining traffic or passage thereon in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic
- (4) No person, except persons on emergency calls, shall park a vehicle on any street, public parking lot, or public park marked to prohibit all night parking and giving notice thereof.
- (5) No vehicle or trailer commonly known as a "mobile home" or "modular home", shall be permitted to be parked or stored upon a public street. However, the "mobile home" or "modular home" may be placed on a public right of way for a period of no more than five (5) business days as long as the "mobile home" or "modular home" is parked in such a manner not to obstruct the free movement of traffic. For the purpose of this section, a "mobile home" is defined as structures that are transportable in one or more sections, which is built on a permanent chassis, designed to be used with or without a permanent foundation and connected to utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed in use (other than for sale) on a site for 180 consecutive days or longer. For the purpose of this section, a "modular home" is defined as homes manufactured under the Florida Manufactured Building Act and certified by the Florida Department of Community Affairs as complying with the structural requirements of the Standard Building Code.
- (6) No boat or watercraft trailers shall be parked within the public parking area on South 37th Street except in the designated trailer parking area located adjacent to US Highway 98.
- (7) Vehicles shall not be parked on public right of way or public property overnight for the purpose of sleeping or camping.

Section 8: Violations:

- (1) Pursuant to F.S. § 318.14, any person cited for a violation of this article shall be deemed to be charged with a non-criminal violation and shall be assessed a civil penalty according to the following schedule:
 - (a) Fifteen dollars (\$15.00) for a violation of any provision of this article, except Section (7) Subsection (5) of this article. Fines and late payment penalty for violations of this article are to be distributed as follows:
 - (1) Each day any violation occurs or continues shall be a separate offense.

- (2) The amount of any penalty specified in this section shall be increased by an additional \$7.50 if payment is not received by the city within ten (10) business days of the date of issue and prior to notice being mailed to the registered owner.
 - (3) The amount of any penalty specified in this section shall be an additional \$15.00 if payment is not received by the city within twenty (20) business days.
 - (4) The amount of the penalty shall be increased to \$50.00 if payment is not received by the city within thirty (30) business days.
 - (5) After the thirty-five (35) business days the fine remains unpaid, the total amount may be referred to a collection agency.
- (b) Fifty dollars (\$50.00) for a violation of Section 7, Subsection 5 of this article. Fines and late payment penalty for violations of Section 7 are to be distributed as follows:
- (1) Each day any violation occurs or continues shall be a separate offense.
 - (2) The amount of any penalty specified in this Section shall be increased by an additional \$25.00 of the specified amount if payment is not received by the city within ten (10) business days of the date of issue and prior to notice being mailed to the registered owner.
 - (3) The amount of any penalty specified in this section shall be increased by an additional \$50.00 if payment is not received by the city within twenty (20) business days.
 - (4) The amount of the penalty shall be increased to \$150.00 if payment is not received by the city within thirty (30) business days.
 - (5) After the thirty-five (35) business days the fine remains unpaid, the total amount may be referred to a collection agency.

Section 9: Issuance of city parking citations

- (1) When any Parking Enforcement Officer finds a vehicle in violation of the provisions of this article or signs erected pursuant to the provisions of this article, he shall issue a parking citation to the person or vehicle by placing said citation in a conspicuous place on the vehicle. Such parking citation form shall contain language providing notice of the following:
 - (a) The type of violation and amount of penalty imposed by this article.
 - (b) The penalty for failure to comply with directions contained on the citation.
- (2) The Parking Enforcement Officer shall determine the registered owner of the vehicle for which a citation was issued and shall complete the citation form. The original copy of the citation form shall be forwarded to the city when completed for processing.

Section 10: Payment of civil penalties and proceedings to enforce payment violations.

- (1) Any person issued a City parking citation, pursuant to this article, shall answer the citation by either of the following procedures within ten (10) days, excluding Saturdays, Sunday and legal holidays, after the date of issuance of the citation:
 - (a) Payment of the penalty indicated on the citation may be remitted to the city, pursuant to the directions on such citation; or
 - (b) Upon receipt of a complete parking citation submitted by a Parking Enforcement Officer, pursuant to this article, the city may notify the registered owner first listed on such citation of its issuance if there has been no response to the citation pursuant to subsection 1 (a) of this section. Such notice shall be sent by certified return receipt mail and shall inform said registered owner concerning the nature and location of the parking violation and shall require payment of the fine.

Section 11: Owner's liability for parking violations

- (1) The owner of a vehicle is responsible and liable, for payment of any parking ticket violation unless the owner can furnish evidence and a sworn statement that the vehicle was, at the time of the parking violation, in the care, custody or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the appropriate law enforcement authorities the name and address of the person or company who leased, rented or otherwise had the care, custody or control of the vehicle. The owner of a vehicle is not responsible for parking ticket violations if the vehicle was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.

Section 12: Disposition of fines and forfeitures for parking violations

Except as otherwise provided in this section, all monies received by the City Clerk as a result of parking citation issued by the municipality shall be paid to the municipality as provided by Florida State Statute. All monies received shall be placed into the General Fund (75%) and the Law Enforcement Education (L.E.E.) fund (25%).

Section 13: Appeal

- (a) If a driver or registered owner is cited for a violation of this article, the cited person shall have a right to contest such citation, within ten (10) business days of issuance. The cited person must present the citation with a written request form for a hearing to the city clerk, such form must be completed in person or a notarized copy may be forwarded to the city. The postmark of the envelope will be used for the ten (10) day requirement. The cited person must appear before the City Special Master at a time and place so designated by the Special Master.
- (b) A driver or registered owner reserves the right to appeal any decision made by the Special Master to the 14th Judicial Circuit Courts. Any appeal made to the courts will be completed by the driver or registered owner.
- (c) All late fees and dates shall be suspended until ten (10) business days after the appeal process is complete.

Section 14: Incorporation Conflict and Severability

- (a) It is the intent of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances of the City of Mexico Beach, Florida, and that sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.
- (b) All ordinances and parts of ordinances in conflict herewith are repealed.
- (c) This ordinance shall be severable and should a court or other judicial body with proper jurisdiction declare any section or provision of this ordinance unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 15: Effective Date

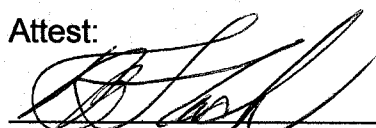
This ordinance shall take effect as provided by law.

Introduced at a regular meeting of the City Council on the 14th day of May 2002, and adopted by the City Council on the 11th day of JUNE 2002.

City of Mexico Beach, Florida


Kathy Kingsland
Mayor

Attest:


Henry Flack, City Clerk

