

ORDINANCE NO. 8168-10

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING PROVISIONS OF CHAPTER 30, TRAFFIC AND MOTOR VEHICLES, CLEARWATER CODE OF ORDINANCES, FACILITATING PARKING ENFORCEMENT BY ADDING SEVERAL TERMS; MODIFYING THE TIMEFRAME ON DELINQUENT FINES SO THAT THE CITY CAN COLLECT ADMINISTRATIVE COSTS RELATING TO ENFORCEMENT PURSUANT TO FLORIDA STATUTES; ESTABLISHING A TICKET DISMISSAL PROGRAM; INSTITUTING A PROCEDURE FOR TEMPORARY/PERMANENT USAGE OF CITY PARKING FOR SPECIAL PURPOSES OR VALET PARKING OPERATIONS; AND MODIFYING APPENDIX A, XIX. STREETS, SIDEWALKS, OTHER PUBLIC PLACES, FEE SCHEDULE TO CONFORM TO THE CHANGES PROPOSED BY THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, there are several multi-space parking lots that provide revenue to the City, and the inclusion of the terms “parking enforcement specialist” and “multi-space parking pay station” to several sections of Chapter 30, Traffic and Motor Vehicles, Clearwater Code of Ordinances is necessary for parking enforcement purposes; and

WHEREAS, Parking Services wishes to collect administrative court-related costs related to fines that become delinquent, and assess this collection cost to the person fined, and pursuant to Florida Statutes, the time frame of delinquency has been changed from 80 to 90 days; and

WHEREAS, this ordinance proposes the establishment of a ticket dismissal program that allows the City to recover processing and administrative fees in circumstances where a citation was properly issued for a violation of failing to display or not properly displaying a parking receipt, permit, or hang tag, so long as the citizen can provide proof of a valid parking receipt, permit, or hang tag as of the time and date of the violation; and

WHEREAS, a procedure is established for the temporary or permanent removal of parking meters/multi-space parking stations, for the temporary use of parking spaces for a special purposes, and for the use of public parking spaces for valet parking operations; and

WHEREAS, Appendix A contains modifications to the schedule of fees relating to the changes proposed by this ordinance, now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
CLEARWATER, FLORIDA:

Section 1. That Chapter 30, Traffic and Motor Vehicles, Section 30.040 be amended by adding the underlined language as follows:

DIVISION 1. GENERALLY

Sec. 30.040. Parking in revenue generating city parking lots, garages and other city property.

(1) It is unlawful for any person to remove a vehicle from any city owned or operated parking lot, garage or property after the person shall have parked thereon without first paying the attendant, activating an access or smart card, or depositing the proper amount of money in a parking meter or multi-space parking pay station or for any person to make any attempt thereof to defraud the city.

(2) It is unlawful to alter or duplicate, damage or destroy an access or smart card, spitter ticket, multi-space parking pay station receipt, permit, tag, placard or decal used for parking control issued by the parking division or to make any attempt thereof to defraud the city.

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(4) It is unlawful to stop, stand or park in city owned or operated parking lots, garages or other city properties that are reserved for hourly, daily, or monthly parking without properly displaying appropriate documentation of payment for parking privileges for the current period (hangtag, decal, placard, multi-space parking pay station receipt, etc.).

Section 2. That Chapter 30, Traffic and Motor Vehicles, Section 30.042 be amended by adding the underlined language as follows:

Sec. 30.042. Near intersections and crosswalks.

Notwithstanding the provisions of F.S. § 316.1945, parking shall be permitted within 20 feet of an intersection or a crosswalk where the city engineer, or designee, of the city has posted signs, or installed meters, or multi-space parking pay stations authorizing such parking.

Section 3. That Chapter 30, Traffic and Motor Vehicles, Section 30.043 be amended by adding the underlined language as follows:

Sec. 30.043. Placement of motor vehicle in parking space.

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(2) No truck, tractor truck or trailer shall occupy more than one parking space where designated, except while actively loading or unloading and while all meters used have been properly activated and / or when proper parking permits or multi-space parking pay station receipt(s) have been obtained and are displayed or except in cases of emergency.

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Section 4. That Chapter 30, Traffic and Motor Vehicles, Section 30.057 be amended by adding the underline language as follows:

Sec. 30.057. Enforcement.

In addition to any other means of enforcement provided in the Code of Ordinances, a police officer, traffic infractions enforcement officer, parking enforcement specialist (PES), or code enforcement inspector certified as a parking enforcement specialist is hereby authorized to issue traffic court parking citations for violations of sections 30.054, 30.055, and 30.056.

Section 5. That Chapter 30, Traffic and Motor Vehicles, Section 30.060 be amended by adding the underlined language and deleting the stricken language as follows:

Sec. 30.060. Penalties/warning letter upon failure to comply with ticket.

(1) If a violator of the provisions of this article does not respond to the parking ticket affixed to the motor vehicle by paying the fine listed thereon or by contacting the designated parking violation processing services office specified on the parking ticket within a period of fifteen (15) calendar days of the date of the infraction, the designated parking violation processing services office, having jurisdiction of the subject matter shall, send the registered owner to whose vehicle the parking ticket was affixed a warning letter informing the registered owner of the violation and the fact that a penalty of \$10.00 has been assessed for the violation to cover additional administrative costs, except for fines for violations involving handicapped parking which shall remain at the amount established in section 30.061. If the fine indicated on the parking ticket is not paid within thirty (30) days (in addition to the penalty assessed after 15 days in the preceding sentence hereof) an additional penalty of \$15.00 will be assessed for the violation to cover additional administrative costs. The designated parking violation processing services office will issue up to two additional late notices to the registered owner. After ~~80~~ ninety (90) days the unpaid ticket will be considered a delinquent account and will be handled through the delinquent collection services division of the designated parking violation processing services office.

(2) Pursuant to F.S. 938.35, parking violation fines and penalties for which full payment is not received within ninety (90) calendar days from the date of issuance will also be subject to an additional collection fee if the account is referred to a private attorney who is a member in good standing of the Florida Bar or to a collection agent who is registered and in good standing pursuant to F.S. chapter 559, each retained by the city pursuant to its applicable procurement practices to pursue the collection of such unpaid financial obligations. The amount of such collection fee shall not exceed forty (40) percent of the amount owed at the time the account is referred to the attorney or agents for collection, or in the actual amount charged by such private attorney or agents for collection, whichever is less.

(23) Overpayments. Any overpayments of fines / penalties will only be refunded if specifically requested within 90 days of receipt of the overpayment.

(34) The designated parking violation processing services office shall supply the State of Florida department of Highway Safety and Motor Vehicles with a magnetically encoded computer tape reel or cartridge, which is machine readable by the installed computer system at that department, listing persons who have three or more outstanding parking violations or who have any outstanding violations of F.S. 316.1955.

(45) Contesting a violation. Any person who wishes to contest the validity of the violation may request a court hearing by contacting the designated parking violation processing services office within 15 calendar days of the date of the infraction. A copy of the parking violation must be included with the completed request form for a court hearing. Upon such request, a summons for a court appearance will be issued to confirm the time and date of the court hearing.

(56) Ticket cancellation. The city's City Manager's designee will establish and maintain a parking ticket cancellation program. Tickets may be cancelled in lieu of court appearance and dismissal by the designee when the complainant has a valid complaint. A valid complaint may include but not be limited to an improperly written ticket, verified official city business, ambulance transport, police department undercover vehicles, or a malfunctioning meter.

(7) Ticket Dismissal. The City Manager's designee will establish and maintain a parking ticket dismissal program. Properly issued tickets for failure to display or properly display valid parking permits, valid multi-space parking pay station receipts, or handicap hang-tags or any other recognized permit shall be dismissed in lieu of court appearance and dismissal by the designee when the complainant can later produce valid

proof of such permit or hang-tag. A fee of \$10.00 for such dismissal will be charged to cover all administrative costs.

Section 6. That Chapter 30, Traffic and Motor Vehicles, Section 30.093 be amended by adding the underlined language as follows:

Sec. 30.093. Installation of parking meters or multi-space parking pay stations; operation.

(1) When parking meters or multi-space parking pay stations are installed, the city manager shall place such parking meters or multi-space parking pay stations in appropriate locations relative to each parking space. Each parking meter or multi-space parking pay station shall be so set as to show or display a signal that the lawful parking period has expired or provide a printed receipt displaying expiry of paid for time.

(2) The city manager shall provide for the regulation, control, operation and use of the parking meters or multi-space parking pay stations provided for in this section and shall maintain such meters or multi-space parking pay stations in good workable condition. Each parking meter or multi-space parking pay station shall be so set as to display a signal or dispense a printed receipt showing legal parking upon the deposit of coins or currency of the United States, use of a City of Clearwater pre-paid parking card, credit/debit cards or any authorized type of payment therein for a period of time conforming to the parking limit established by the city manager for the area where such meter is placed.

Section 7. That Chapter 30, Traffic and Motor Vehicles, Section 30.094 be amended by adding the underlined language as follows:

Sec. 30.094. Fees and time limits designated by city manager.

The City Manager is authorized to designate fees and time limits for parking at any city owned or operated parking lot, garage or other property and to designate the denomination of United States coins or currency, use of City of Clearwater pre-paid parking cards, credit/debit cards or any authorized type of payment which may be deposited or inserted therein for the purpose of obtaining legal parking for such period of time so designated.

Section 8. That Chapter 30, Traffic and Motor Vehicles, Section 30.095 be amended by adding the underlined language and deleting the stricken language as follows:

Sec. 30.095. Use of meter/multi-space parking pay station and space.

(1) When any vehicle shall be parked, pursuant to this division, in any space alongside of, ~~or next to, or in proximity to which there is located,~~ pursuant to this division, a parking meter/multi-space parking pay station, the owner, operator, manager, or driver of such vehicle shall, immediately after ~~upon~~ entering the parking space, immediately deposit the proper coins or currency of the United States, City of Clearwater pre-paid parking cards, credit/debit cards or any authorized type of payment in the parking meter/multi-space parking pay station alongside of, or next to, or in proximity to the parking space and shall set the meter/multi-space parking pay station in accordance with all posted instructions thereon including, but not limited to, prominently displaying any dispensed parking receipt(s) where indicated. ~~and~~ ~~The parking space may then be used by such vehicle during the parking limit provided for the area in which such parking space is located.~~

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(3) *Temporary parking meter removal.* The parking system may provide for the temporary removal of parking meters to accommodate construction and other limited special uses. The fee for the removal and reinstallation of the meter/multi-space pay station is listed in Appendix A. No removal shall last for a cumulative period of more than ninety (90) days during any calendar year without prior approval from the City Manager's designee.

(4) *Permanent parking meter removal.* Permanent parking meter removal requests are strongly discouraged and are granted within the sole discretion of the City Manager's designee consistent with the parking needs of the city. The fee for the permanent removal of a metered parking space or any designated public parking spaces is listed in Appendix A, and the calculation is based upon the daily rental rate per public parking space for a period of two (2) years.

(5) *Temporary use of designated parking spaces for limited special purpose.* Parking space rental for a special purpose including, but not limited to, construction projects, valet parking operations, special events, and production/film events may be requested. The applicable temporary bagged parking space rental rate shall be assessed on a per space, per day basis, payable in advance, until such time as the designated rental has ended. The fee for the rental is listed in Appendix A. No temporary use of parking space shall last for a cumulative period of more than ninety (90) days during any calendar year without prior approval from the City Manager's designee.

Section 9. That Chapter 30, Traffic and Motor Vehicles, Section 30.096 be amended by adding the underlined language and deleting the stricken language as follows:

Sec. 30.096. Overtime parking.

(1) If any vehicle ~~shall remain~~ parked in any parking space when the parking meter/multi-space parking station indicates the expiry of paid for time, then beyond the parking limit designated for such parking space, the parking meter shall display a signal showing illegal parking and in that event, such vehicle shall be considered as parked overtime and such act is unlawful.

(2) At multi-space parking lots, a failure to prominently display the parking receipt dispensed by the parking pay station in the manner instructed is unlawful and the vehicle shall be deemed as parked overtime. It shall be unlawful for any person to permit a vehicle to remain or be placed in any parking space alongside of or next to which any parking meter is placed while such meter is displaying a signal showing that such vehicle has already parked beyond the period of time allotted.

(3) It is unlawful for the operator of a vehicle to stop, park or leave standing a vehicle on a city owned or operated parking lot, garage or other property, using meters, multi-space parking pay stations, gates, permits, or time limits for revenue and access control, for a period longer than 72 hours without first making arrangements in advance with the parking division.

Section 10. That Chapter 30, Traffic and Motor Vehicles, Section 30.097 be amended by adding the underlined language and deleting the stricken language as follows:

Sec. 30.097. Extending parking beyond legal time.

It shall be unlawful for any person to deposit or cause to be deposited in a parking meter/multi-space parking pay station a coin, currency, City of Clearwater pre-paid parking cards, credit/debit cards or any authorized type of payment for the purpose of extending the parking time beyond the legal time fixed for parking in the parking space alongside of, ~~or next to, or in proximity to which where~~ such parking meter/multi-space parking pay station is placed.

Section 11. That Chapter 30, Traffic and Motor Vehicles, Section 30.098 be amended by adding the underlined language and deleting the stricken language as follows:

Sec. 30.098. Defacing, tampering with, etc.

It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter, multi-space parking pay station, or revenue control equipment installed on any city owned or operated parking lot, garage or other property pursuant to the terms of this division.

Section 12. That Chapter 30, Traffic and Motor Vehicles, Section 30.099 be amended by adding the underlined language as follows:

Sec. 30.099. Use of substitutes for payment.

It shall be unlawful for any person to deposit or cause to be deposited in any parking meter/multi-space parking pay station or change maker on any city owned or operated parking lot, garage or other property, any slug, device or substitute for a coin or currency of the United States, City of Clearwater pre-paid parking card, credit/debit card or any authorized type of payment.

Section 13. That Chapter 30, Traffic and Motor Vehicles, Section 30.100 be amended by adding the underlined language as follows:

Sec. 30.100. Disposition of parking fees.

The coins, United States currency, City of Clearwater pre-paid parking card, credit/debit card or any authorized type of payment, deposited as provided in this division shall be utilized in the manner provided by the parking system bond ordinance, and until such bonds have been satisfied or otherwise redeemed.

Section 14. That Chapter 30, Traffic and Motor Vehicles, Section 30.101 be amended by adding the underlined language as follows:

Sec. 30.101. Exception for city officers and employees while on business.

The provisions of this division shall not be construed to require payment into a parking meter/multi-space parking pay station by an officer or employee of the city who is on city business in order to park a marked city vehicle or a vehicle with an authorized city parking permit displayed on the dashboard of the vehicle, or a visible hang-tag, in any on or off street parking space within the city parking system. A city officer or employee who is not on city business and who parks a marked city vehicle or a vehicle with an authorized city parking permit displayed on the dashboard of the vehicle, or a visible hang-tag, in any on or off street parking space within the city parking system without paying the parking fee shall be subject to appropriate disciplinary action as may be determined by the city

manager, including but not limited to loss of the city parking permit privilege or use of a marked city vehicle.

Section 15. That section 30.102 be added to Chapter 30, Traffic and Motor Vehicles as follows:

Sec. 30.102. Valet Parking.

(1) Valet Storage Spaces. The City may provide on an as-needed basis, the ability for a valet service company to rent on and off street public parking spaces to accommodate valet parking storage for special events. The City Manager's designee shall weigh the impact of each request on the parking area and its users, and shall determine both the ability to lease spaces, and the number of spaces that may be leased for the special event. The fee per space is charged in accordance with the current fee schedule by location and is based on the daily parking rate plus an administrative fee as outlined in Appendix A. Valet storage fees are not pro-rated for a portion of the day, and the fees are payable forty-eight (48) hours in advance.

(2) Valet ramp space rentals. The City may provide on an as-needed basis, the ability for a valet service company to rent public parking spaces for the purpose of creating a valet ramp for the expeditious unloading and loading of passengers. The City Manager's designee shall determine the number and location of said spaces, and will provide, if possible, spaces adjacent to the business served by the valet service. A copy of the valet business tax receipt for the location to be served, a notarized letter of authorization from the business owner and a certificate of insurance covering the valet service location must be presented to obtain Parking Service approval before the first space rental request is made. The fee per space is charged in accordance with the current fee schedule by location and is based on the daily parking rate plus an administrative fee as outlined in Appendix A. All valet ramp fees are not pro-rated for a portion of the day. The fees are payable two (2) weeks in advance for regular users and forty-eight (48) hours in advance for special events. Rented spaces shall be signed appropriately with the Parking System approval and shall restrict parking within the ramping area and shall be strictly enforced.

Section 15. That Appendix A, XIX Streets, Sidewalks, Other Public Places, be amended by adding the underlined language and deleting the stricken language as follows:

APPENDIX A – Schedule of Fees

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XIX. STREETS, SIDEWALKS, OTHER PUBLIC PLACES:

Fees for services provided by the department of public works (ch. 28):

- (1) Petition to vacate:
 - (a) Right-of-way . . . \$500.00
 - (b) Easement . . . 400.00
- (2) Request for street name and address change:
 - (a) Name change . . . 200.00
Plus cost of signs
 - (b) Address (house no.) change . . . 150.00
- (3) Right-of-way permit:
 - (a) Single family residence/duplex . . . 25.00
 - (b) Multi-family/commercial . . . 125.00
 - (c) Sidewalk (construction of new or replacement sidewalk) . . . 50.00
 - (d) Subdivision development permit (Construction of a new subdivision and/or construction of new streets (private or public with accompanying street utility connections such as sanitary sewer, water, storm drainage systems) . . . 200.00
Plus per gross acre . . . 50.00
 - (e) Utilities:
 - Reclaimed water connection fee . . . None
 - Utility connection or construction . . . 150.00
No pavement cut; fee per each utility involved and per each connection.
 - Utility connection or construction . . . 200.00
Pavement cut; fee per each utility involved and per each connection.
 - Annual general permit . . . 400.00
 - Providers of communications services . . . None
 - (f) Miscellaneous permit (work requiring engineering inspection in an easement or for other miscellaneous work) . . . 50.00
 - (g) Failure to obtain r.o.w. permit before starting work . . . Double fee
- (4) Use of any revenue generating/timed/designated public parking spaces (i.e. metered, permitted, cashiered, loading zone, designated, etc.):
 - (a) Beach - Spaces (per day, everyday) . . . ~~12.50~~ highest current City of Clearwater municipal daily beach rate

Plus tax if applicable

Downtown - Spaces (per day, Monday--Friday) . . . 3.00 highest
current City of Clearwater municipal daily downtown rate

Plus tax if applicable

(b) Administrative Fees: The Parking System shall charge an administrative service fee for all parking space rental requests including valet ramp/valet storage rentals. The fee schedule is as follows:

1. \$20.00 administrative fee assessed for any parking space rental of five spaces or less.
2. \$30.00 administrative fee assessed for any parking space rental of six to ten spaces.
3. \$50.00 administrative fee assessed for any parking space rental of eleven spaces or more.

(5) Parking space/meter removal – permanent and temporary:

(a) Permanent loss of ~~revenue~~ a parking space as a result of construction on adjacent property causing elimination of a any revenue generating/timed/designated public parking spaces (i.e., metered, permitted, cashiered, loading zones, designated parking, etc.) parking space or loading zones. Fee is based on loss of revenue for period of ~~one~~ two (2) years based on daily amounts listed in number four (4) above. Fee for removal of loading zone will be treated the same as the loss of an adjacent metered parking space.

(b) Temporary removal of parking meter/multi-space parking pay stations:

1. The fee for the removal of a parking meter/multi-space pay station and post shall be \$50.00 per meter/pay station post.
2. The fee for re-installation of a parking meter/multi-space pay station and post shall be \$50.00 per meter post.

Payment in full shall be paid to the City of Clearwater Parking System in advance at a rate of \$100.00 per meter post.

(6) Permit fee to conduct race utilizing public rights-of-way, per participant . . .
0.25

- (a) The city manager may require the applicant to pay the charge as a deposit based upon the estimated number of participants and may deny the permit if the applicant refuses to pay such deposit.
- (b) The charge shall be remitted by the applicant within two weeks following the race event, if a deposit has not been required. If a deposit has been required, any underpayment shall be remitted or any overpayment shall be returned to the applicant within ten days after receipt of the affidavit provided for in subsection (c) below.
- (c) All applicants for special event permits to conduct a race shall provide an affidavit form at the time of payment of the charge or a request for refund of overpayment, a statement identifying the event and the number of persons that participated in the event.

Section 16. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Camilo A. Soto
Assistant City Attorney

Cynthia E. Goudeau
City Clerk