ORDINANCE NO. 16-016

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING **CHAPTER 10 – MOTOR VEHICLES AND TRAFFIC**, ARTICLE I, BY AMENDING SEC. 10-1 – PENALTIES TO REFERENCE PENALTIES ESTABLISHED IN CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE AND; AMENDING ARTICLE II – **STOPPING, STANDING AND PARKING**; DIVISION 1 – GENERALLY, SEC. 10-23 – REGULATIONS AMENDING THE PAYMENT AND APPEAL PROCESSES FOR PARKING CITATIONS AND; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE..

WHEREAS, the City of Fort Pierce, Florida has experienced a revival of the downtown and water front areas that has drastically increased the number of visitors to our community; and

WHEREAS, there are a limited number of on street parking and public parking lots available to accommodate the parking needs of those visiting; and

WHEREAS, the unrestricted, long term and extended use of the limited parking spaces available causes an undue hardship on local businesses and restaurants; and

WHEREAS, the City Commission of the City of Fort Pierce finds it necessary to take appropriate action to abate such conditions by enforcing the established restrictions on vehicles utilizing both on street and designated public parking lots; and

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida:

SECTION 1. Chapter 10 of the Code of Ordinances of the City of Fort Pierce, Florida, is hereby amended as follows:

Chapter 10 - MOTOR VEHICLES AND TRAFFIC

ARTICLE I. - IN GENERAL

Sec. 10-1. - Penalties.

Any person who shall violate any of the provisions of this chapter and receives a notice of such violation shall within thirty (30) calendar days pay to the ~~clerk of the circuit court~~ City of Fort Pierce ~~twenty dollars ($20.00)~~ a fine as provided for in Chapter 2 of the Code of Ordinances for violation of on-street parking ~~and twenty dollars ($20.00) for violation of off-street parking~~. Upon the violator's failure to pay said parking fine within thirty (30) calendar days after receipt of the notice of said violation, the violator shall pay an additional eighteen dollars ($18.00) ~~to the clerk of the circuit court~~.

Any person who shall violate any of the provisions of this chapter three times or more within a twelve month period shall be considered a repeat violator. Citations issued to a repeat violator shall be filed with the Clerk of Court.

ARTICLE II. - STOPPING, STANDING AND PARKING

DIVISION 1. - GENERALLY

Sec. 10-23. - Regulation.

(q) Penalty. A violation of any of the provisions of this section shall be deemed an "infraction," a noncriminal violation which is not punishable by incarceration and for which there is no right to a trial by jury or a right to court-appointed counsel.

(r) Procedure. Any person cited for a violation of this section shall be deemed to be charged with a noncriminal violation and upon receiving notice of such shall:

(1) Within thirty (30) calendar days pay to the ~~clerk of the circuit court~~ City of Fort Pierce ~~twenty dollars ($20.00)~~ a fine as provided for in Chapter 2 of the Code of Ordinances for violation of on-street parking; ~~twenty dollars ($20.00) for violation of~~ off-street parking; ~~thirty dollars ($30.00) for~~ illegal parking or blocking traffic. Upon the violator's failure to pay the appropriate sum as applicable within thirty (30) calendar days after receipt of the notice of such violation or violations, the violator, shall pay an additional fine of eighteen dollars ($18.00) ~~to the clerk of the circuit court~~.

(2) Within seven (7) calendar days, post a bond which shall be equal in amount to the applicable penalty set forth in paragraph (1) above, plus ten dollars ($10.00), and sign a written request to appear before a ~~judge~~ Special Magistrate authorized by law to preside over a court or hearing adjudicating traffic infractions. Any person electing to appear before a ~~judge~~ Special Magistrate shall be subject to the maximum penalty provided by paragraph (1) above, as well as subject to any ~~court~~ administrative costs assessed ~~by the court~~.

(3) Any person posting a bond as outlined in paragraph (2) above and who fails to appear at the hearing shall be considered as having forfeited said bond.

(4) If a person follows either paragraph (1) or paragraph (3) of the above procedures, he shall be deemed to have admitted the infraction and to have waived his right to a hearing on the commission of the infraction. Such admission shall not be used as evidence in any other proceeding.

SECTION 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 4. This Ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM
& CORRECTNESS:

_____
James M. Messer
City Attorney

STATE OF FLORIDA)
ST. LUCIE COUNTY)SS

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 16-016 was duly advertised by title only in the St. Lucie News Tribune on July 22, 2016; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on August 1, 2016; and was duly introduced, read by title only, and passed on second and final reading on August 15, 2016, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 15th day of August, 2016.

_____
Linda Hudson,
Mayor Commissioner

_____
Linda W. Cox,
City Clerk

(CITY SEAL)