

ORDINANCE NO. 17-026

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING THE PROVISIONS OF FORT PIERCE CODE OF ORDINANCES **CHAPTER 10 – MOTOR VEHICLES AND TRAFFIC**, BY AMENDING SEC. 10-23 – REGULATIONS; DELETING SEC. 10-26 – **PARKING FINES** FOR IMPROPER PARKING IN HANDICAPPED SPACE; DELETING SEC. 10-27 – PARKING FINES FOR IMPROPER PARKING IN FIRE LANES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Pierce, Florida recently adopted Ordinance 16-016 in August 2016 amending the parking restriction ordinances in response to the revival of the downtown and water front areas that has drastically increased the number of visitors to our community and related parking difficulties; and

WHEREAS, enforcement efforts on vehicles utilizing both on street and designated public parking lots have been made during the past ten months and an assessment of the adopted ordinance found the need for additional amendments for more effective enforcement; and

WHEREAS, through the successful enforcement of the parking restrictions, residents, visitors and business owners can enjoy a safer and more friendly environment; and

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

SECTION 1. Chapter 10, Article II, Division 1, Sec. 10-23 of the Code of Ordinances of the City of Fort Pierce, Florida, is hereby amended so that the same shall read hereinafter as follows:

ARTICLE II. - STOPPING, STANDING AND PARKING

DIVISION 1. - GENERALLY

Sec. 10-23. - Regulation.

- (a) This section shall regulate the parking of vehicles within the city limits. All violations in the section are considered Class I violations unless specified otherwise.
- (b) *Obedience to angle-parking signs or markings.* Upon those streets which have been signed or marked by the traffic engineer for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.
- (c) *Permit for loading and unloading at an angle to the curb.* No person shall stop, stand or park any vehicle at right angles to the curb for the purpose of loading or unloading of merchandise without a permit issued by the traffic engineer or his authorized representative.
- (d) *Obstruction of traffic.* No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic. Where streets are not completely paved or curbs provided, the parking of a car shall not usurp more than twelve (12) inches of the paved portion of the street.
- (e) *Alleys.* No person shall stop, stand or park a vehicle within an alley in a business district except for the expeditious loading or unloading of materials, and in no event

for a period of more than twenty (20) minutes, and no person shall stop, stand or park a vehicle in any other alley in such a manner, or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic. 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.

(f) *Authority to remove and impound vehicles.*

(1) Whenever any police officer finds a vehicle standing upon a street or alley in violation of any of the foregoing provisions of this article, such standing upon a street or alley in violation of any of the provisions of this article, such officer may move such vehicles or require the driver or person in charge of the vehicle to move the same to a position off the paved or improved or main traveled part of such street or alley.

(2) Whenever any police officer finds a vehicle unattended upon any street, bridge or causeway, or in any tunnel within the city where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle in accordance with law.

(g) *All-night parking.* No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all-night parking and giving notice thereof, for a period of time longer than thirty (30) minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day.

(h) *Parking for certain purposes.* No person shall park a vehicle upon any street for the principal purpose of:

(1) Displaying such vehicle for sale.

(2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

(3) Displaying advertising.

(4) Selling merchandise from such vehicle except in a duly established marketplace, or when so authorized or licensed under the ordinances of this city.

(5) Storage, or as junkage or dead storage for more than five (5) continuous days (one hundred twenty (120) hours).

(i) *Standing or parking on one-way roadways.* In the event a street includes two (2) or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway, unless signs are erected to permit such standing or parking.

(j) *Passenger curb loading zone.* No person shall stop, stand or park a vehicle for any purpose or period of time except for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such passenger curb loading zone are effective, and then only for a period not to exceed five (5) minutes.

(k) *Freight curb loading zone.*

(1) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

(2) The driver of a vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.

(l) *Restricted parking zone.* No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger

vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted.

- (m) *Buses, taxicabs.* The operator of a bus or taxicab shall not stop, stand or park upon any street in any business district at any place other than at a bus stop, or taxicab stand, respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping, standing or parking regulations at any place for the purpose of and while engaged in the expeditious unloading or loading of passengers.
- (n) *Use of bus and taxicab stands.* No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.
- (o) *Parking prohibited at all times.* When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets, sidewalks, sidewalk areas or other places so designated.
- (p) *Parking time limited on certain streets.* When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle for longer than the time designated by said signs at any time between those hours so stated by said signs on any day except Sundays and legal holidays.
- (q) *Parking in handicapped spaces.* No person shall stop, stand, or park a vehicle within, or to obstruct, any space designated and marked as a handicapped parking space unless the vehicle displays a disabled parking permit or a license plate and the vehicle is transporting the person to whom the displayed permit is issued. Violation of this ordinance is a Level III violation. All fines collected under this section will be collected in accordance with §§316 and 318 of the Florida Statutes.
- (r) *Parking in fire lanes.* No person shall stop, stand, or park a vehicle, with the exception of allowing a disabled person to enter or exit the vehicle, in a fire lane located on any property within the City of Fort Pierce.
- (s) *Parking prohibited on City right of way.* No person shall stop, stand or park a vehicle, either fully or partially, upon any right of way owned and maintained by the City of Fort Pierce.
- (t) *Violations of State Statute 316.* Supplemental to the provisions of this Chapter, the City hereby adopts provisions relating to parking, traffic control, enforcement and penalties as outlined in the Florida Uniform Traffic Control Law 316 of the Florida Statutes.
- (u) *Exemptions.* The above stated prohibitions shall not apply to city, county, state and/or utility worker vehicles while parked in conjunction with discharging their official duties.
- (qv) *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.
- (fv) *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 City of Fort Pierce a fine as provided for in chapter 2 of the Code of Ordinances for violation of on-street parking; off-street parking; 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).
 - (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 special magistrate authorized by law to preside over a court or hearing adjudicating traffic infractions. Any person electing to appear before a special magistrate shall be subject to the maximum penalty provided by paragraph (1) above, as well as subject to any administrative costs assessed.

- (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.

~~Sec. 10-26. — Parking fines for improper parking in handicapped space.~~

~~The maximum fine for improper parking in a handicapped parking space without a proper sticker shall be two hundred fifty dollars (\$250.00) per offense.~~

~~Sec. 10-27. — Parking fines for improper parking in fire lanes.~~

~~The maximum fine for improper parking in a fire lane located on any property within the City of Fort Pierce, Florida shall be fifty dollars (\$50.00) per offense.~~

Secs. 10-2~~8~~6—10-35. - Reserved.

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, Esq.,
City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

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.17-026 was duly advertised by title only in the St. Lucie News Tribune on August 25, 2017; 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 September 5, 2017; and was duly introduced, read by title only, and passed on second and final reading September 18, 2017 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 18th day of September, 2017.

Linda Hudson,
Mayor Commissioner

ATTEST:

Linda W. Cox,
City Clerk

(City Seal)