ORDINANCE NO. C-14-50

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY MODIFYING MULTIPLE ARTICLES, INCLUDING REVISED DEFINITIONS, PARKING AND PERMITTING REQUIREMENTS, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the administrative structure of the government of the City of Fort Lauderdale has been updated; and

WHEREAS, certain definitions, parking and permitting requirements have been recommended for revision; and

WHEREAS, various articles in chapter 26 of the code of ordinances require revision to reflect such updates; and

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. Chapter 26 of the City of Fort Lauderdale, Florida Code of Ordinances is amended to provide as follows:

Sec. 26-1. - Definitions of words and phrases.

The following words and phrases, when used in this chapter, shall for the purpose of this chapter have the following meanings, except where the context clearly indicates a different meaning. These definitions supplement F.S. § 316.003.

Alley means every street or way within a block set apart for public use, vehicular travel, and local convenience, except foot paths.

Bus stand means a fixed area in the roadway parallel and adjacent to the curb to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.

Center or centerline means a continuous or broken line marked upon the surface of a roadway by paint or otherwise to indicate each portion of the roadway allocated to traffic proceeding in the two (2) opposite directions, and, if the line is not so painted or

otherwise marked, it is an imaginary line in the roadway equally distant from the edges or curbs of the roadway.

Commercial vehicle means every vehicle designed, used or maintained primarily for the transportation of property.

Common carrier means all common carriers of passengers operating between fixed termini, over regular routes and on fixed schedules.

Courier zone means a space reserved for the parking of vehicles during the delivery of documents or small packages.

Curb loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Designation resolution means a resolution adopted by the city commission designating certain residential areas meeting and satisfying the criteria and procedures provided herein as a residential parking permit district in which motor vehicles owned by residents of the residential permit parking district displaying a valid parking permit may park without limitation by parking time restrictions established as provided herein.

Director means director of the department of transportation and mobility, or his or her designee.

Double parking or *double standing* or *double stopping* means the parking, standing or stopping of a vehicle upon the roadway side of another vehicle parking, standing or stopping in a legal parking space or upon the roadway side but not legally within an adjacent open parking space**.**

Dwelling unit means a single detached building containing one (1) or more residences.

Freight curb loading zone means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

Guest means a person who is visiting a residence for a period less than twenty-four (24) hours.

Guest permit ("GRP") means a permit issued to residents for guests, visitors or commercial vehicles parked on a street within a RPPD.

Holidays, in addition to Sundays where posted on certain meters, means those entire days declared by the city to be legal holidays which are New Year's Day, Martin Luther King, Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

Non-residential vehicle means a motor vehicle parked on a public right-of-way in a residential area that is registered to a person who is not a resident of such residential area, and who is not displaying a residential parking permit ("RPP") for the particular vehicle as provided in this division.

Official time standard means the standard time or daylight saving time as may be in current use in this city.

Parking means the stopping of a vehicle upon a restricted street otherwise than in obedience to traffic regulations or traffic signs or signals for a period longer than reasonably necessary to load or unload passengers or freight.

Parking meter means a mechanical/digital timing device authorized by ordinance of this city to be used for the purpose of regulating parking ~~and which is actuated by the insertion of a coin and the operation of a lever or cranking~~.

Parking meter zone means a restricted street, boulevard or avenue upon which parking meters are installed and in operation.

Parking services manager means the person authorized by the director to administer the provisions of this division, or his designee.

Payment means payment by use of credit/debit card, Pay By Phone, and/or United States of America coins and/or bills.

Passenger curb loading zone means an area adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Public place means any publicly owned way, street, alleyway, avenue, road, boulevard, highway, parking lot, parking space or area, park or any other similar area.

Residence means a space, area or portion of a building designed for and to be occupied by one (1) or more persons as a dwelling, with cooking facilities for the exclusive use of such persons.

Resident means a person residing in a residence within the RPPD.

Residential area means a contiguous or nearly contiguous area containing public streets and highways or parts thereof abutted primarily by property zoned or used for a residential use as defined by the city's Unified Land Development Regulations.

Residential parking permit ("RPP") means a permit issued by the director as provided herein for the privilege of parking on a street within a "residential parking permit district."

Residential parking permit district ("RPPD") means a residential area designated for restricted residential parking by the city commission pursuant to the criteria and procedures established herein.

Restricted street, with regards to a Residential Parking Permit District, means a street located within a residential parking permit district, designated for restricted residential parking by the city commission pursuant to the provisions of this division. A street as used herein shall include the paved area used for vehicular travel and abutting the swale area.

Restricted street means that part of any public street, avenue, road, boulevard, highway or other public place established for the use of vehicles within the city and restricting parking to a limited period only.

Taxi, taxicab means a vehicle conveying passengers for hire at a rate of fare permitted by ordinance and for which vehicle the owner or operator thereof provides a person to direct, drive and operate such vehicle and which is equipped and operated with a meter as provided by ordinance.

Taxicab stand means a fixed area on the roadway parallel and adjacent to the curb set aside for taxicabs to stand or wait for passengers.

Transportation director means the ~~director of traffic engineering of the county~~Chief of the Traffic Engineering Division in the Public Works Department of Broward County or his or her ~~authorized~~ designee.

Visitor means a person who is visiting a residence within a RPPD for a period of more than twenty-four (24) hours.

Sec. 26-2. - Applicability.

(a) This chapter applies to every street, alley, sidewalk, driveway, parking area, park area, and every other way within this city, including, without in any way restricting the generality of the foregoing, any area which is privately owned and to which the public is invited or the use of which is or may be afforded to the public by acquiescence and without invitation.

(b) This chapter shall apply to every street, alley, sidewalk, driveway, parking area, park area and every other way outside the corporate limits of this city over which this city has jurisdiction.

Sec. 26-3. - Compliance with chapter.

It shall be unlawful and an offense for any person to do any act forbidden or fail to perform any act required in this chapter.

Sec. 26-4. - Violations generally.

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the committing of any act declared in this chapter to be in violation of the ordinances of this city, whether individually or in connection with one (1) or more other persons or as a principal, agent, or accessory, shall be guilty of such offense. Every person who falsely, fraudulently, wilfully induces, causes, coerces, requires, or directs another to violate any provision of this chapter is likewise guilty of such offense.

Sec. 26-5. - Offenses by persons owning or controlling vehicles.

Neither the owner or any person employing or otherwise directing the driver of any vehicle shall require or knowingly permit the operation of such vehicle upon a street of this city in any manner contrary to law.

Sec. 26-6. - Notice charging speed violation shall designate speed.

In every charge of speed law violation, the complaint and also the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven and, also, the speed limit applicable within the district or at the location.

Sec. 26-7. - Presumption in reference to illegal parking, operating, stopping, etc.

(a) In any prosecution charging a violation of any ordinance governing the stopping, standing, parking, or operating of a vehicle, proof that the particular vehicle described in the complaint was parked or operated in violation of any such ordinance or regulation, together with proof that the defendant named in the complaint was at the time of such parking or operating the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the

registered owner of such vehicle was the person who stopped, stood, parked, or operated such vehicle at the point where and for the time during which such violation occurred.

(b) The foregoing presumption shall apply only when the procedure as prescribed in sections 26-111 and 26-112 has been followed.

Sec. 26-8. - Impoundment of vehicles.

(a) Enforcement personnel are hereby authorized to cause to be removed and impounded a vehicle to the nearest garage or other place of safety or to a garage designated or maintained by the police department or by this city or are authorized to move or cause to be moved such vehicles or to require the driver or person in charge of the vehicle to move the same to a position which would not be an obstruction or in violation of any ordinance, under the circumstances hereinafter enumerated:

(1) When any vehicle is left unattended upon any public place, street, alley, bridge, causeway or viaduct or in any subway or tunnel where such vehicle constitutes an obstruction to traffic.

(2) When a vehicle upon a street, alley or in a public place is so disabled as to constitute an obstruction to traffic or the person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody and removal.

(3) When a vehicle is found being operated upon the streets and is not in proper condition.

(4) When any vehicle is left unattended upon a street, alley or other public place and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic or exposed to possible theft or vandalism.

(5) When any vehicle is left unattended upon a street or alley or in a public place continuously for more than twenty-four (24) hours and may be presumed to be abandoned.

(6) When the driver of such vehicle is taken into custody by the police department and such vehicle would thereby be left unattended upon a street.

(7) When removal is necessary in the interest of public safety because of fire, flood, storm, or other emergency reason.

(8) When any vehicle is left unattended or parked upon any private property without the consent of the owner or person in charge thereof.

(9) When any tribunal convened pursuant to Chapter 11 of the City of Fort Lauderdale Code of Ordinances~~F.S.Ch 162~~ enters a finding of fact and order that any vehicle present on private property is there in violation of the Code of Ordinances of the City of Fort Lauderdale, Florida and this presence is a serious threat to the public health, safety, and welfare and advises the violator that the city may remove the vehicle should the violator fail to remove it in the time the order provides, and that a fine and costs of repairs may be imposed; and then finds that the violation persists and enters an order imposing a fine and cost of repairs.

(b) The charge for towing or removal of any vehicle under this section and storage charges shall be fixed by the city commission, the city manager or other appropriate city official, such charges to be based upon a computation of all actual expenses entering into the current cost of such services. Such charge or charges shall be posted for public inspection in the police department of the city and in any authorized garage.

(c) Whenever enforcement personnel remove a vehicle from a street as authorized in this section and the enforcement personnel know or are able to ascertain the name and address of the owner thereof, such enforcement personnel shall as soon as practicable give or cause to be given notice to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed.

(d) Whenever enforcement personnel remove a vehicle from a street under this section and do not know and are not able to ascertain the name of the owner or for any other reason are unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of ten (10) days, then and in that event the enforcement personnel shall immediately send or cause to be sent a written report of such removal by mail to the motor vehicle commission and shall file a copy of such notice with the proprietor of any authorized garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

State law reference – Removal of abandoned vehicles, F.S. § 316.194(3)(b),(3)(c)

Sec. 26-9. - Towing, removal of vehicles from private property.

(a) The following words, when used in this section, shall mean the following:
Operator means any person operating a wrecker for a wrecker and towing service.

Wrecker means any motor vehicle adapted to or designed for towing, transporting, conveying or moving any and all types of vehicles which are unable to be or actually are not operated under their own power, such towing or transporting being accomplished by means of lifting the towed vehicle totally or partially off the ground.

Wrecker and towing service means a person engaged in the business of providing the services of one (1) or more wreckers for hire or used for towing, transporting or moving motor vehicles on public streets.

(b) In addition to the provisions of F.S. §§ 713.78 and 715.07, the towing or removal of vehicles from private property within the corporate limits of the city shall be subject to the following requirements:
  (1) Any and all signs or notices required by law to be posted by the owner or custodian of private property shall not exceed a height of six (6) feet above ground level or exceed a width of two (2) feet.
  (2) The report of the towing or removal as required by law to be submitted to the police department of the city by the wrecker and towing service or wrecker operator shall also include the vehicle identification number (VIN) of the vehicle towed and the address from which the vehicle was towed.
  (3) A towed or removed vehicle must be stored at a storage site within the county and at a site within five (5) statute miles from the point of removal, measured by the most direct, ordinary vehicular route.

(c) Personal property situated in any vehicle which has been towed or removed from private property under this section shall not be disposed of to defray any charges for storage or towing. All such personal property must be returned at once to the owner or person entitled to legal possession thereof upon proper proof of ownership or right to possession, and such owner or person entitled to possession shall give a receipt to the wrecker and towing service or wrecker operator for the same. The term "personal property" as used in this subsection does not include automobile parts or tangible personal property normally associated with or essential to the operation of the motor vehicle.

Secs. 26-10—26-30. - Reserved.

Sec. 26-31. - Transportation director's specific duties.

(a) The transportation director is hereby authorized to perform the following to protect the welfare of the public:
  (1) Install stop or yield signs when necessary to govern traffic.

(2) Install and maintain traffic signals where necessary.
(3) Prohibit left, right and U-turns.
(4) Designate crosswalks, establish safety zones and mark traffic lanes.
(5) Designate one-way streets.
(6) Establish no-parking, no-standing, and no-stopping regulations; provided, however, the city shall retain the right to designate on-street parking areas within its city limits and the transportation director shall have no jurisdiction or control thereover except for purposes of safety only, in which event the transportation director shall have the power to modify, reduce or eliminate any on-street parking area designated by the city, provided that the transportation director has received a written opinion from the city attorney that the modification, reduction or elimination of such on-street parking area will not violate or endanger any bond resolution, covenants or trust agreements which may be in existence or contemplated concerning such on-street parking areas or which may affect or relate to such on-street parking areas.
(7) Establish play streets.
(8) Establish emergency and experimental regulations, provided that this function and duty shall be jointly exercised by the transportation director and the city and, where emergency conditions arise within the city, the city shall give immediate notice to the transportation director of such emergency and shall indicate to the transportation director which emergency regulations it desires implemented, and the transportation director shall immediately implement such emergency regulations upon request of the city. If the transportation director does not so implement such emergency regulations, then city may do so in order to preserve and protect the public welfare.
(9) Establish truck and passenger loading zones.
(10) Establish speed limits.
(11) Establish no-passing zones.
(12) Designate public carrier stands.
(13) Prohibit use of streets by trucks.
(14) Prohibit riding of bicycles on any sidewalk.
(15) Establish traffic control guidelines for all roadway construction and maintenance operations.

(b) All regulations established by the transportation director shall be made only after an engineering study has shown that the regulation is proper. All signs, signals and markings and the placement thereof shall be in conformance with the "Manual

on Uniform Traffic Control Devices" published by the state department of transportation.

(c) No regulation will be effective unless proper signs, signals and/or markings are in place.

Sec. 26-32. - Authority to issue citations for nonmoving violations.

The director of transportation and mobility~~parking and fleet services~~ and his designated representatives are hereby given authority to issue citations for nonmoving violations of this chapter. Concerning such nonmoving violations, the city commission, city manager or other appropriate city official shall designate those for which payment may be made by fine and accepted by the transportation and mobility department~~parking and fleet services~~ and shall further specify by suitable schedules the amount of such fines for first, second or subsequent offenses, provided such fines are within the limits provided by law. Any such prior designations and/or schedules established by the former municipal judge or judges of the city shall continue in full force and effect until modified by the city commission, city manager or other appropriate city official.

Sec. 26-33. - Official misconduct.

Failure, refusal, or neglect on the part of any official or other officer or employee receiving or having custody of any fine or forfeiture to comply with the provisions of F.S. §§ 316.008(5) and 316.660 shall constitute misconduct in office and shall be grounds for removal from such office after notice and hearing in accordance with civil service rules.

Secs. 26-34—26-45. - Reserved.

Sec. 26-46. - Duties generally.

It shall be the duty of the police chief with such aid as may be rendered by other members of the police department to enforce the provisions of this chapter and the state vehicle laws applicable to traffic in this city, to make arrests for traffic violations, to assist in the prosecution of persons charged with such violations, to investigate accidents, to cooperate with the transportation director and other officials of the city in the administration of the traffic ordinances and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed by this chapter and the traffic ordinances of this city.

Sec. 26-47. - Records of traffic violations.

(a) The police chief or other officer of the police department as designated by the chief or by the clerk of the ~~traffic violations bureau~~Broward County courts shall

keep a record of all violations of this chapter, except standing or parking violations, and of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall so be maintained as to show the types of violations and the totals of each. Such record shall accumulate during at least a three-year period and, from that time on, the record shall be maintained complete for the most recent three-year period.

(b) All forms for records of violations and notices of violations, which shall include traffic tickets issued by police officers, shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms, and such records, notices, and reports shall be public records.

Sec. 26-48. - Traffic accidents—Cooperation with transportation director; maintenance of files.

(a) Whenever the accidents at any particular location become numerous, the police department shall cooperate with the transportation director in conducting studies of such accidents and determining remedial measures.

(b) The police department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, except those concerning standing or parking, which shall be filed alphabetically under the name of the driver concerned.

(c) Such records shall accumulate during at least a three-year period, and, from that time on, such records shall be maintained complete for at least the most recent three-year period.

Sec. 26-49. - Same—Reports.

(a) The police department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed by location. Such reports shall be available for the use and information of the transportation director.

(b) The police department shall receive and properly file all accident reports made to it under state law or under any ordinance of this city. All such accident reports made by drivers shall be disclosed to the public as prescribed under state law. The police department, the transportation director, the motor vehicle division of the state department of public safety and the state department of transportation shall also have access to these reports. No such reports shall be admissible in any civil or criminal proceeding other than upon request of the person making such report or upon request of the court having jurisdiction to prove a compliance with the laws requiring the making of any such report.

Sec. 26-66. - Speed limit in alleys.

No driver shall operate a vehicle through any alley at a speed exceeding fifteen (15) miles per hour.

Sec. 26-67. - Obstructing traffic by slow speed.

If any person shall drive a motor vehicle at a speed so slow as to impede the forward movement of traffic proceeding immediately behind such vehicle on any street whereon a higher speed shall be lawful, such person shall, when the width of the roadway permits, drive to the extreme right side of the street until such impeded traffic shall have passed by.

Sec. 26-68. - Proper use of two-way left turn lanes.

Where a two-way left turn lane is designated on any street by official signs and markings, such lane is reserved for the exclusive use of left turning vehicles and shall not be used for passing and overtaking or travel by a driver except to make a left turn. The lane may be used by drivers making a left turn in either direction.

Sec. 26-69. - Obedience to signal indicating bridge opening.

(a) Whenever any person driving a vehicle approaches a bridge over a waterway and a clearly visible electric or mechanical signal device gives warning of the immediate opening of the bridge, the driver of such vehicle shall stop within fifty (50) feet but not nearer than ten (10) feet from the barriers or stop signals on approach to such bridges and shall not proceed until he can do so safely.

(b) The driver of a vehicle shall stop such vehicle and not traverse such bridge when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the intended opening of such bridge.

(c) No such person shall drive any vehicle through, around, or under any crossing gate or barrier at a bridge while such gate or barrier is closed or is being opened or closed.

Sec. 26-70. - Certain vehicles must yield at all railroad grade crossings.

Every railroad track motorcar, handcar or other vehicle operating upon railroad tracks within the city limits, which such railroad track motorcar, handcar or other vehicle operating on railroad tracks is so constructed that it does not activate automatic safety gates or automatic crossing signal devices, shall yield the right-of-way to vehicular or pedestrian traffic traveling on or along any public street intersecting at every railroad

crossing within the city. If such driver of every railroad track motorcar, handcar or other vehicle operating upon the railroad tracks is involved in a collision with a pedestrian at a crosswalk or a vehicle in the intersection, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

Sec. 26-71. - Oversize, overweight vehicles.

No oversized or overweight vehicle or equipment may be driven, occupied or proceed upon any street or roadway except in accordance with a permit issued by the chief of police and approved by the transportation director and such other regulations as are set forth in this chapter which may apply.

Sec. 26-72. - Commercial vehicles using streets.

It shall be unlawful to operate, park, stand or use upon any public street any commercial vehicle, except franchised utility company and governmental vehicles unless, such vehicle is designated by lettering of three (3) inches minimum size on each side indicating the address of the business and the name of the firm or the name of the corporation or person operating same for a commercial use.

Sec. 26-73. - Load limits on bridges.

(a) No person shall drive, propel, operate or cause to be driven, propelled or operated on or over any bridge located in the city and under the jurisdiction of the city any motor vehicle, the gross weight of which exceeds the weight limit posted for such bridge.

(b) The city manager is empowered to post the weight limitations for city bridges in accord with the provisions of state law.

Secs. 26-74—26-90. - Reserved.

Sec. 26-91. - Schedule of fines.

(a) A schedule of fines for parking violations within the city is hereby established as follows:

(1) Parking overtime (sign) $32.00
(2) Parking overtime (metered) 32.00
(3) Parking in permit area without valid permit displayed 32.00
(4) Parking in area posted no parking during specified hours 32.00
(5) Parking in area posted authorized vehicle only 37.00
(6) Within fifteen (15) feet of fire hydrant .....~~37~~40.00

(~~Plus~~Fine amount includes a $3.00 surcharge for firefighter education programs.)

(7) Within thirty (30) feet of traffic-control device 37.00
(8) Parking on private property 37.00
(9) Parking on crosswalk 37.00
(10) Loading zone 37.00
(11) Parking in prohibited areas 37.00
(12) Parking on sidewalk 37.00
(13) Blocking driveway 37.00
(14) Blocking alley or overtime parking in alley 37.00
(15) Double parking 37.00
(16) Obstructing traffic 37.00
(17) Parking facing oncoming traffic (1- or 2-way road) 37.00
(18) Parking in safety zone 37.00
(19) Parking in posted no parking area 37.00
(20) Parking in parking spaces provided for disabled persons in violation of section 26-144 of this Code 250.00
(21) Parking in or blocking any area designated as an access aisle for persons with disabilities per F.S. 316.1955(2) 250.00
(22) Parking in fire lanes 42.00

Plus a $3.00 surcharge for firefighter education programs.

(23) Parking in courier zones ..... ~~2~~37.00
(24) Parking by house trailers, buses, recreational vehicles, and truck tractors within the beach area in violation of section 26-131 of this Code 57.00
(25) Parking by vehicles pulling boat trailers in excess of the maximum length as posted at the Cox's Landing 15th Street Boat Launch and Marine Complex in violation of section 26-131.1 of this Code. 100.00
(2~~5~~6) Other parking violations not listed above .....~~2~~37.00

(b) Parking violations are to be paid within thirty (30) calendar days from the date of issuance of a citation.

(1) Parking violation fines for which full payment is not received within thirty (30) calendar days from the date of issuance will be subject to a fifteen dollar ($15.00) penalty in addition to the citation fine for each citation issued.
(2) Parking violation fines and penalties for which full payment is not received within forty-five (45) calendar days from the date of issuance will be subject to an additional twenty dollar ($20.00) penalty, for a total of thirty-five dollars ($35.00) penalty in addition to the citation fine for each citation issued.

(3) 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.

(4) In the case of overpayment of a parking violation fine and penalty, no refund shall be made if payment of any other delinquent citation is due and owing on any vehicle owned by the same registered owner of the vehicle, and if such citation is not under appeal. The city shall apply such credit balance to the oldest outstanding delinquent citation first.

(c) Each of the penalties for parking violations set forth in subsection (a) above includes a surcharge of ten dollars ($10.00) imposed for the sole purpose of funding the school crossing guard program of the city.

(d) The city's director of transportation and mobility~~parking services~~ or his/her designee may dismiss parking citations under certain extenuating circumstances. These circumstances may include, but are not limited to, an improperly displayed permit or meter receipt when a valid permit or receipt is later produced, disabled vehicle, verified official city business, ambulance transport, police department undercover vehicles, utility service providers, or verified meter malfunction.

Sec. 26-92. - Withholding of license tags.

The transportation and mobility~~parking and fleet services~~ department shall periodically upload to the department of highway safety and motor vehicles an electronic file, listing persons who have three (3) or more outstanding parking violations. Any person whose name appears on such a list will not be issued a license plate or revalidation sticker by the department until the outstanding parking violations are paid.

Secs. 26-93—26-110. - Reserved.

Sec. 26-111. - Notice on illegally parked vehicle.

Whenever any motor vehicle without driver is found parked, stopped, or standing in violation of any of the restrictions imposed by ordinance of this city, the enforcement personnel finding such

vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a traffic citation or notice in writing, on a form provided by the transportation and mobility~~parking and fleet services~~ department.

Sec. 26-112. - Reserved.

Sec. 26-113. - Administrative appeal.

Any person wishing to contest a parking citation may appeal to the director of transportation and mobility~~parking and fleet services~~ of the city or his/her designee, as follows:

(1) *For defective meters:* If a person who has received a citation for overtime parking believes the meter for the parking space is defective or malfunctioning, such person shall notify the city's parking customer service office of possible defect or malfunction no later than 10:00 a.m. the following working day via:

a. Telephone call to the city's parking customer service office to report such meter defect or malfunction; or

b. Personally appearing at such office to make such report.

If such a citation is received on a Saturday, Sunday or holiday, during which the office is closed, such report must be made within two (2) hours on the next working day the office is opened. City personnel shall then be dispatched to check the operation of such meter. The person who received the citation shall be notified by telephone or regular mail of the results of the investigation into the operation of said meter. If the meter is found to be defective or malfunctioning, the citation will be excused. If the meter is found to be functioning properly, the violator will be notified by the office as provided above and the time limits specified in section 26-91(b) shall then begin to run anew, as if the citation was just issued.

(2) *For any other parking violation:*

a. Any person wishing to contest a parking citation may appeal and contest such citation by contacting the city's customer service office, as provided in paragraphs (1)a. and (1)b. above, within three (3) working days from the date the citation was issued and requesting an administrative appeals hearing. The city's parking customer service office will provide to the appellant an appeals hearing request form which is to be completed and returned to the city's parking customer service office within ten (10) working days of the date the

citation was issued. The city's parking customer service office will then forward the completed appeals hearing request forms, which were received within the time specified above, to the Clerk of Court of Broward County, Florida, within ten (10) working days of receipt.

b. The clerk of court shall set the hearing within sixty (60) calendar days from the date the appeals hearing request form was received by the clerk of court, and shall provide the person issued the citation at least seven (7) working days' advance notice of the date of the hearing. The notice shall be sent by regular mail to the address of the registered owner of the vehicle or, in the event that the driver of the vehicle is not the owner, to the driver's address if the driver has requested an administrative appeals hearing and provided his or her address to the city's parking customer service office when making a request for an administrative appeals hearing.

c. The person issued the citation may:
   1. Be represented by counsel;
   Call and examine witnesses;
   3. Introduce exhibits;
   4. Examine opposing witnesses on any relevant matter; and
   5. Impeach any witness.

d. All hearings shall be conducted insofar as practical in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner. All irrelevant, immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. Any interested party or person may make application and upon good cause shown may be allowed by the hearing officer, in the reasonable exercise of such officer's discretion, to intervene in a pending proceeding.

e. Any person who receives a parking citation but who does not reside in Palm Beach, Broward or Miami-Dade County, Florida, may contest the citation in writing by contacting, as provided in paragraphs (1)a. and (1)b. above, city's parking customer service office within three (3) days from the date of citation issuance and requesting an appeals hearing request form which is to be completed and returned to the city's parking customer service office, accompanied by all evidence upon which the person relies, within twenty (20) working days of the date the citation was issued. The completed appeals hearing request form and accompanying evidence, which were received within the time specified above, will then be sent by the city's parking customer service office to the clerk of courts within ten (10) working days of receipt. The clerk shall present the case to a hearing officer within sixty (60) calendar days of the date the appeals hearing request form and accompanying evidence was received by the clerk of courts. The evidence presented must include a notarized statement by the person receiving the citation, which statement shall identify the citation at issue by its number and date of issuance, shall set forth the name and current address of the person cited, and may contain argument in defense against the citation. The hearing officer will not consider any statement that is not notarized. The evidence submitted may include notarized statements of witnesses. Such statements must include the name and address of each witness as well as the basis of the witness' knowledge about the facts asserted in the statement. The evidence submitted may also include such documents that are relevant and material to the disposition of the citation. All evidence submitted is subject to the evidentiary rules and procedures set forth in this section.

f. Pursuant to Florida law, any person who elects to appear before a hearing officer or to contest a citation by mail, shall be deemed to have waived the right to pay the civil penalty amount set forth on the citation. The hearing or consideration of mailed-in admissible evidence will be decided within thirty (30) calendar days after the request for hearing was made or the evidence to be considered was received. After a hearing or consideration of mailed-in admissible evidence, the hearing officer shall make a determination based on the greater weight of the evidence as to whether a parking violation has been committed and shall issue an order imposing a civil penalty

as set forth in section 26-91, as amended, of this code, in addition to applicable late fees. The hearing officer may grant additional time to pay the civil penalty amount and late fees; otherwise such fines are due and payable within ten (10) working days from the date the order of the hearing officer was issued. All orders shall be in writing and shall be signed and dated by the hearing officer. If, at the conclusion of the hearing or consideration of mailed-in admissible evidence, the hearing officer orders a dismissal of the citation because no violation was found, the hearing officer shall so state and issue an order of dismissal in writing, signed and dated by the hearing officer which shall contain findings of the facts supporting the order. A copy of such order will be forwarded to the person receiving the citation and to the city's parking customer service office.

g. An order of the hearing officer may be appealed by any party receiving an adverse ruling by filing a Petition for Writ of Certiorari in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, within thirty (30) calendar days from the date the order was issued.

Sec. 26-114. - Motor vehicle immobilizing devices; towing.

(a) The city's director of ~~parking services~~transportation and mobility or his/her designee is hereby authorized to attach an immobilization "boot" device, which prevents a vehicle from being moved under its own power, to a motor vehicle under the following conditions:

(1) The motor vehicle has, on at least three (3) prior occasions, been found stopped, standing or parked on any street, alley, thoroughfare, parking lot or garage within the city in violation of a state law or city ordinance for which parking tickets have been issued and to which the registered owner has failed or refused to respond by requesting an administrative appeals hearing as provided in section 26-113, to contest the parking tickets or by paying the civil penalties indicated upon the parking tickets or imposed by a hearing officer or court order; and

(2) The registered owner of the motor vehicle has been given written notice by mail or otherwise that the provisions of this section will be enforced against the motor vehicle unless, not more than five (5) calendar days from the date of receipt of the notice, the owner shall pay the city's parking customer service office or designee, in cash or by credit card, the civil fines and penalties for all such outstanding parking tickets; and

(3) The registered owner of the motor vehicle has failed or refused to respond to the notice described in paragraph (a)(2) above by paying such civil fines and penalties.

(b) The director of ~~parking services~~transportation and mobility or his/her designee shall maintain a current list of all motor vehicles to which an immobilizing device may be attached pursuant to this section.

(c) The immobilizing device shall be attached to the motor vehicle at any location within the city where the motor vehicle may be found, if the location is in a right-of-way or a place where the public is invited to travel, except that no motor vehicle shall be immobilized within the traveled portion of any street or in any portion of any street when immobilization at such place would create a hazard to the public or to traffic.

(d) At the time that an immobilizing device is attached to a motor vehicle, a notice shall be affixed to the windshield or to the left front window stating that the immobilizing device has been attached and cautioning the operator not to attempt to operate the motor vehicle or to attempt to remove the immobilizing device. The notice shall inform the owner or operator of the motor vehicle of the total amount of civil fines and penalties assessed under the citations for which the motor vehicle is immobilized, plus the removal charge for removal of the immobilizing device, and the location to which the owner or operator must go in order to pay the civil fines and penalties and removal charge and have the immobilizing device removed from the motor vehicle. Within twenty-four (24) hours of an immobilization device being attached to the vehicle, the owner or operator of the vehicle may also follow the instructions appearing on the affixed notice to contact the referenced city department for removal of the immobilization device after business hours, provided that the owner or operator complies with subsection (e) below.

(e) Except as provided in subsection (f) below, the immobilizing device shall be removed from the motor vehicle only upon payment of the civil fines and penalties assessed under the citations for which the motor vehicle has been immobilized, plus the removal charges, and upon the authorization of the director of ~~parking services~~transportation and mobility of the city or his/her designee.

(f) Upon payment of all civil penalties not otherwise appealed by an owner or operator pursuant to section 26-113, the owner or operator of a vehicle which has been immobilized with an immobilizing device shall have the right to request the director of ~~parking services~~transportation and mobility or his/her designee to conduct an administrative hearing for the purpose of determining whether such vehicle was properly immobilized in accordance with the terms of this section. The owner or operator has the option of paying the removal charge to have the

immobilizing device removed subject to the administrative hearing being held in accordance with this section. Otherwise, the immobilized vehicle is subject to towing as provided in subsection (h). Any request for an administrative hearing under this section must be made to the city's parking customer service office no later than 10:00 a.m. on the next business day after the vehicle was immobilized. The hearing shall be held prior to the end of the following working day after such request is made. The owner or operator requesting the hearing shall receive notice of the hearing date, time and place at the time the request is made. If, upon the conclusion of the hearing, the director of ~~parking services~~transportation and mobility determines that the vehicle was properly immobilized in accordance with the terms of this section, all civil penalties and removal charges shall be retained by the city. If the director of ~~parking services~~transportation and mobility determines that the vehicle was not properly immobilized in accordance with this section, the immobilizing device shall be removed immediately, and the removal charge will be returned to the owner or operator. All civil penalties not otherwise pending appeal under section 26-113 shall be retained by the city.

(g) The removal charge for the authorized removal of an immobilizing device is hereby established in the amount of ~~fifty~~seventy-five dollars ($~~50~~75.00).

(h) As an additional remedy, if an immobilizing device remains on a motor vehicle for more than twenty-four (24) hours, any motor vehicle described in subsection (a) may be towed from any location where it may be found within the city, ~~if the location is in a right-of-way or a place where the public is invited to travel,~~ and shall be impounded until the registered owner pays all outstanding civil penalties, the removal charge and the costs of towing and impoundment.

(1) Vehicles may be towed at any time if the location is a right of way or a place where the public is invited to travel (including sidewalks).

(i) This section shall be applied retrospectively so that any outstanding citation or summons shall be includable in determining whether the requirements of paragraph (a)(1) have been met.

Secs. 26-115—26-125. - Reserved.

Sec. 26-126. - Moving vehicle into prohibited area.

No person shall move a vehicle not owned by or in charge of such person into any such prohibited area or away from a curb such distance as is unlawful.

Sec. 26-127. - Parking not to obstruct traffic.

No person shall stop, stand, or park a vehicle on any portion of a street lane, or lane of traffic in a lot or garage open to the public for purposes of vehicular traffic and designated for the exclusive use of vehicular movement, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police office.

Sec. 26-128. - Unattended motor vehicle.

(a) Whenever any enforcement personnel shall find a motor vehicle standing unattended with the ignition key in the vehicle in violation of this section, such enforcement personnel are authorized to remove such key from such vehicle and to post a notice in such vehicle stating where the key may be recovered.

(b) The registered owner of a vehicle found in violation of this section shall be held prima facie responsible for any such violation.

Sec. 26-129. - Prohibited in specified places.

(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device, in any of the following places:

(1) It shall be unlawful for any person to park in or upon any private alley, drive, driveway, parking area or other privately owned property without the consent of the owner of the property or person in charge thereof, whether such property is used exclusively by the owner or for the use and convenience of customers or guests.

(2) In all areas of the city which are zoned so as to permit the operation of new and used car lots, it shall be unlawful for any person, as owner or operator of the lot, to park or display any automobiles, trucks, trailers or other automotive equipment closer to the street or sidewalk than the established building setback line. The area between the street or sidewalk and the established building setback line shall not be paved or improved except for the purpose of ingress and egress to such car lot.

(3) On the street side of any vehicle stopped or parked at the edge or curb of a street.

(4) On a sidewalk.

(5) Within an intersection.

(6) On a crosswalk.

(7) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless signs or markings indicate a different length.

(8) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
(9) On any railroad tracks.
(10) On a bicycle path.
(11) At any place where traffic control devices prohibit stopping.
(12) At any Electric Charging Station, unless connected and charging an electric vehicle. The time allowed to park in the space is determined by the meter maximum allowed in that specific location or designated by posted sign.
(13) No person shall back a vehicle, other than a motorcycle, into a space signed or marked for parking unless signs or markings indicate otherwise. This restriction shall not apply to commercial vehicles during the actual loading and unloading or to construction vehicles during the loading and unloading of tools and/or building materials.

(b) No person shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers, and except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device, in any of the following places:
(1) In front of a public or private driveway.
(2) Within fifteen (15) feet of a fire hydrant.
(3) Within twenty (20) feet of a crosswalk at an intersection.
(4) Within thirty (30) feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a street.
(5) Within twenty (20) feet of the driveway entrance to any fire station and, when posted, on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance.
(6) On an exclusive bicycle lane.
(7) At any place where official traffic control devices prohibit standing.

Sec. 26-130. - Occupation of more than one space by one vehicle.

(a) No person shall stop, stand or park a vehicle in a manner that causes the vehicle or any portion thereof to occupy more than one (1) parking space~~; provided, however, that the provisions of this subsection shall not apply to parallel parking spaces~~. When more than one (1) metered parallel parking space is occupied by a vehicle or any portion thereof the vehicle operator must ~~deposit the proper coins in~~make payment to the parking meters alongside of, next to, or in front of the spaces so occupied. The provisions of division 4 of this article are applicable to the parking authorized in this section.

(b) No person shall stop, stand or park a vehicle in a manner that causes the vehicle or any portion thereof to extend over the white line marking which designates the rear of a compact vehicle parking space in municipal parking areas or lots owned or operated by the city. A compact vehicle parking space is one which is eight (8) feet in width and sixteen (16) feet in length.

Sec. 26-131. - House trailers, buses, recreational vehicles and truck tractors—In beach area.

(a) *Prohibition.* No person shall park any house trailer, bus, recreational vehicle unit or truck tractor with or without a trailer attached, within any public place located within the beach area, except in areas posted by city as authorized parking areas for such vehicles.

(b) *Definitions.* For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:

Beach area means and includes all that property within the city which is bounded on the east by the mean high water mark of the Atlantic Ocean, on the west by the eastern shoreline of the Florida Intracoastal Waterway, on the north by the northern corporate limits of the city, and on the south by the northern shoreline of the Port Everglades Inlet.

Bus means any motor vehicle originally designed or used for transporting ten (10) or more passengers, whether or not such transportation is for compensation, which vehicle is not owned and operated by a governmental entity.

House trailer means any enclosed wheeled device or vehicle designed or constructed and equipped for use as a dwelling place, living abode or sleeping place, either permanently or temporarily, and equipped for use as a conveyance on a roadway.

Public place means any public street, avenue, boulevard, roadway or alley and includes any parking lot, parking space or parking area owned and controlled by the city located within the beach area.

Recreational vehicle unit means any vehicle designed or primarily used for recreational, camping or travel use which either has its own motor power or which is mounted upon or drawn by another vehicle and is used or designed to be used as temporary living or sleeping quarters. The term does not include any vehicle commonly known as a van or any vehicle commonly known as a pickup truck which carries an enclosure in the truck bed, if any such vehicle is not equipped for use as living or sleeping quarters.

Truck tractor means any motor vehicle designed or primarily used for drawing another vehicle, such as a trailer, and not constructed to carry a load (other than a part of the vehicle and its load, if any, which is drawn), which vehicle is not owned and operated by a governmental entity.

(c) *Exemption.* The provisions of this section shall not apply to official vehicles and vehicles that are authorized by the city to be engaged in television or film production or City authorized Special Events.

(d) *Penalty.* Any person convicted of violating this section shall be punished by imposition of a fine, not to exceed ~~fifty~~ one hundred dollars ($~~50~~100.00).

Sec. 26-131.1. – Boat trailers at Cox Landing 15th Street Boat Ramp ~~Reserved.~~

Vehicles pulling boat trailers and parking at length-restricted spaces as posted at the Cox's Landing 15th Street Boat Launch and Marine Complex located at 1784 SE 15 Street, commonly known as the Cox's Landing 15th Street Boat Ramp, shall be restricted to a length no greater than forty-five feet (45') or fifty-five feet (55'), as posted for a space, when measured from the frontmost part of the vehicle to the rearmost part of the boat trailer and any attachments thereto.

Sec. 26-132. - Stopping, standing or parking in alleys.

(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 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.

(b) 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.

Sec. 26-133. - All-night parking prohibited.

No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all- night parking 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.

Sec. 26-134. - Parking for certain purposes prohibited.

No person shall park a vehicle upon any street, metered parking space, parking lot, or garage, for the principal purpose of:

(1) Displaying such vehicle for sale.
(2) Washing, greasing, or repairing such vehicle, except repairs necessitated by emergency.
(3) Displaying advertising.
(4) Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the ordinances of this city.
(5) Storage or as junkage or dead storage for more than twenty-four (24) hours.

Sec. 26-135. - One-way roadways.

(a) Except where angle parking is permitted, no person shall stop, stand, or park a vehicle upon a two-way street unless the right-hand wheels or such vehicle are parallel to and within twelve (12) inches of the right-hand curb or edge of the street.
(b) Except where angle parking is permitted, no person shall stop, stand, or park a vehicle upon a one-way street unless such vehicle is parked, stood, or stopped parallel to the curb or edge of the street, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or edge of the street, or its left wheels are within twelve (12) inches of the left-hand curb or edge of the street.

Sec. 26-136. - Passenger curb loading zones.

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.

Sec. 26-137. - Freight curb loading zones.

(a) 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.

(b) 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.

Sec. 26-138. - Restricted parking zones.

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.

Sec. 26-139. - Buses and 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.

Sec. 26-140. - Restricted 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.

Sec. 26-141. - Fire lanes on private property.

(a) *Definition.* For the purpose of this section, "fire lane" means a space sufficient in width and length to permit the parking of fire vehicles and located nearest to, or at the best location to permit fire operations nearest to, a building or structure.

(b) *Establishment of fire lanes.* Fire lanes shall be established pursuant to the provisions of Chapter 18 of NFPA 1 Florida Fire Prevention Code.~~Fire lanes shall~~

~~be established pursuant to the provisions of Chapter 52 of the Florida Building Code, Broward County Edition.~~

(c) *Prohibition.* When signs are erected giving notice of a fire lane it shall be a violation for any person to park and leave unattended by a licensed driver any motor vehicle other than an official fire vehicle within such fire lane.

(d) *Marking.* The marking of fire lanes shall be the responsibility of the property owner.

(e) *Signs.*

All signs designating fire lanes shall be affixed to either columns at the edge of the fire lane or to posts erected at least twenty-four (24) inches from the face of the curb.

(2) Signs may be mounted on buildings which are ten (10) feet or less from the curb with the approval of the fire chief.

(3) No person shall establish a fire lane or post any sign which includes the words "fire lane" without prior approval of the fire chief. Unapproved fire lanes or signs may be removed by the city at the property owner's expense.

(f) *Maintenance.* The maintenance of fire lanes shall be the sole responsibility of the private property owner. Fire lanes shall be maintained in a passable condition at all times.

(g) *Penalty.* Any person convicted of violating this section (c) herein shall be punished by imposition of a fine pursuant to section 26-91 of this Code plus a three dollar ($3.00) surcharge to be used solely for firefighter education programs.

Sec. 26-142. - Courier zones.

No person shall stop or park a vehicle for any purpose except for the expeditious delivery of documents or small packages in any place marked as a courier zone during the hours when the regulations applicable to such courier zone are effective, and then only for a period of time not to exceed twenty (20) minutes.

Sec. 26-143. - Fire hydrants.

Any person convicted of violating Section 26-129(b)(2) of this Code shall be punished by imposition of a fine pursuant to Section 26-91 herein, plus a three dollar ($3.00) surcharge to be used solely for firefighter education programs.

Sec. 26-144. - Parking in spaces provided for disabled persons.

No person shall stop, stand or park a vehicle within any parking space specially designated and marked for the exclusive use of physically disabled persons only, unless

such vehicle displays a parking permit issued pursuant to F.S. §§ 316.1958 or 320.0848, or a license plate issued pursuant to F.S. §§ 320.084, 320.0842, 320.0843 or 320.0845, and such vehicle is transporting a person eligible for such parking permit or license plate; provided, however, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit or a special license plate, momentary parking in any such parking space, for the purpose of loading or unloading such disabled person, and no penalty shall be imposed upon the driver for such momentary parking.

(a) As per Florida law 316.1964 vehicles parked as indicated above may use the handicap space for a maximum of four (4) hours without payment in any on-street metered space, unless signage posted restricts the time to park. For example, if the signage establishes a three-hour time limit, then the driver is allowed to park for a maximum of three hours. After the time limit expires, the driver must make payment into the parking meter or move the vehicle from the parking space to different street block.

(b) During City designated special events, payment is required as per normal parking practices.

(c) Payment is required for all vehicles in lots and garages. Only drivers of vehicles with specialized equipment such as a ramp, lift, or foot or hand controls or displaying the Florida Toll Exemption Permit are exempt from parking fees.

Sec. 26-145. - Parking of vehicles on swales.

(a) *Prohibition.* No persons shall park a motor vehicle within a swale located within a swale restricted area, except as provided in this section.

(b) *Definitions.* The following words, when used in this section, shall have the meanings ascribed to them in this section:

(1) *Motor vehicle* shall be defined as provided in F.S. § 320.01(1), and any boat, boat on trailer or boat trailer as defined in Section 47-34.4.B.3.(f), of the Unified Land Development Regulations, as the same may be amended from time to time.

(2) *Residential use* or *residential zoned property* shall be defined as provided in Section 47-35 of the ULDR.

(3) *Swale* shall mean the area immediately adjacent to the paved portion of a street between the driving surface of the street and the abutting private property line. The swale does not include any regularly paved area which is commonly used as an extension of a residential driveway or an extension of an area which is intended, by its nature, to be a parking or sidewalk area covered with asphalt, cement, macadam, or similar material.

(4) *Swale restricted area* shall mean those areas designated as such in accordance with subsection (d) of this section.

(c) *Establishment of a swale restricted area.* A swale restricted area shall be established by resolution adopted by the city commission. An area may be eligible for designation as a swale restricted area if, based on objective criteria provided herein, the stormwater system is impacted by the parking of vehicles on the swales. The following criteria must be established in order for an area to be eligible for designation as a swale restricted area:

(1) A majority of the area is zoned, used or both for residential purposes as defined by the city's Unified Land Development Regulations.

(2) In the proposed area to be designated there is a predominance of swales of a sufficient width that benefit the stormwater management system.

(3) The swales are of a condition that if left vacant, vegetative ground cover that allows percolation could be grown in the swale area thereby improving the drainage, stormwater treatment and aesthetics of the area. As used in this section vegetative ground cover is defined as St. Augustine grass for those swale areas with irrigation systems and Bahia grass for those swale areas with no irrigation system. If other types of ground cover are proposed, these shall be approved by the public works department before installation.

(d) *Initiation of process.*

(1) A neighborhood group may, upon submission of an application in compliance with the provision herein and payment of the application fee as provided in section 25-175(j) of these procedures, initiate the review and implementation of a swale restricted area within a residential neighborhood. The application must be signed by sixty-five (65) percent of the property owners within a residential neighborhood which signatures shall evidence the consent of those signing to the content of the application. For purposes of determining sixty-five (65) percent of the property owners, the following guidelines shall apply:

a. An owner of more than one (1) property within a residential neighborhood shall be listed as one (1) property owner.

b. If property is a condominium or cooperative, the owner or owners of each unit shall be considered one (1) property owner.

(2) An application submitted by a neighborhood group for a swale restricted area shall contain the following:

a. Identification of the boundaries of the residential neighborhood.

b. A map identifying the streets, road, alleys and other rights-of-way within the residential neighborhood.

c. Identification of the problems experienced in the residential neighborhood which have caused the neighborhood group to propose a swale restricted area.
d. Identification of the local streets proposed to have swale restricted areas.
e. Names and addresses of the property owners and identification of property location within the residential neighborhood. Telephone numbers of those property owners who have executed the application evidencing their approval of the content of the application.
f. Names and addresses of a person or persons who have been authorized by the neighborhood group to represent the neighborhood group with respect to the application.

(e) *Consideration of application.* Upon receipt of a valid application submitted by a neighborhood group, the public works department shall evaluate and prepare a report regarding the proposed swale restricted area within a residential neighborhood. The evaluation of the application and report shall include a recommendation whether the proposed swale restricted area is eligible for consideration to be designated a swale restricted area. The city commission shall conduct a public hearing and determine if all of the criteria set forth in subsection 26-145(c) of this section have been met. Notice of the public hearing shall state the purpose of the hearing and the exact location and boundaries of the area under consideration and shall be advertised in a newspaper of general circulation at least ten (10) days prior to the date of the public hearing. The notice shall be mailed to each dwelling unit located within the proposed swale restricted area. Upon a finding that all criteria have been met as provided herein, the city commission may by resolution designate the area as a swale restricted area.

(f) Upon the adoption of a resolution by the city commission designating a swale restricted area, the public works representative shall cause the resolution to be recorded upon the appropriate map or plat and filed in the office of the city clerk. The public works representative shall cause signs to be erected upon the public streets in the area designated as a swale restricted area stating the restrictions related to parking on swales.

(g) The designation process and criteria set forth in this article shall be utilized in determining whether to remove a swale restricted area designation.

(h) This section is not intended to limit the city commission from authorizing the implementation of any swale restricted area within the city boundaries upon its

own initiative for the health, safety and welfare of the public in accordance with such procedures it so adopts.

(i) Parking a motor vehicle in a swale restricted area of the City shall be permitted as follows:

(1) Any motor vehicle permitted to be parked within a residentially-used or residentially-zoned district shall be parked parallel to the swale, no more than thirty-six (36) inches into the swale area and extending no more than forty-eight (48) inches into the abutting street, measured from the outer-most edge of the motor vehicle including any attachments such as a mirror or bumper. In no event shall the parking of such vehicle in compliance herewith be permitted to violate existing state statutes or ordinances of the City of Fort Lauderdale, or create an obstruction to the free flow of traffic over an abutting street or thoroughfare. Any vehicle of a width that when parking on a swale cannot comply with this section shall not be permitted to park on a designated swale.

(2) Motor vehicles shall not be permitted to be parked within swale areas that have a raised curb between the swale and the abutting paved street.

(j) Any ground cover planted by city in a swale located in a swale restricted area must be maintained by, and if removed or destroyed, shall be replaced by the upland property owner with vegetative ground cover as defined in subsection (c)(3) of this section.

(k) Fees. A fee pertaining to an application for a swale restricted area shall be calculated by the city and paid by the neighborhood group in accordance with the fee schedule adopted by resolution of the city commission.

(l) The penalty for violation of this section 26-145, except subsection (j) shall be payment of a fine pursuant to section 26-91 of this code. The penalty for failure to replace or repair ground cover as provided upon conviction, be punished as provided in section 1-6, Volume I of the Code of Ordinances of the City of Fort Lauderdale.

Secs. 26-146—26-155. - Reserved.

Sec. 26-156. - Authority of ~~parking and fleet services~~transportation and mobility department to install, operate and maintain parking meters.

(a) The ~~parking and fleet services~~transportation and mobility department is hereby authorized to install or have installed sufficient parking meters or multi-space parking meters in such parking meter zones as now exist or may from time to time be created. Such parking meters or multi-space parking meters shall be placed upon the curb alongside of or next to individual parking places to be designated as

provided in this section. Each parking meter or multi-space parking meter shall be so set as to show for display a signal that the parking space assigned to it is or is not in use.

(b) The ~~parking and fleet services~~transportation and mobility department shall provide for the installation, regulation, control, operation, and use of the parking meters or multi-space parking meters provided for in this section and shall see to it that such meters are maintained in good workable condition. Each parking meter shall be so set as to display a signal showing legal parking upon ~~the deposit of a coin of the United States of America~~payment for the period of time thereon designated. Each meter or multi-space parking meter shall, when properly set as provided in this division, continue in operation from the time of ~~depositing such coin~~payment until the expiration of the period fixed in this division as the parking limits for the part of the street upon which such meter is placed. Each parking meter or multi-space parking meter shall also be so arranged that upon the expiration of such parking limits it will indicate by mechanical operation and proper signal that the lawful parking periods as fixed by this division have expired.

(c) The ~~parking and fleet services~~transportation and mobility department is hereby authorized to designate and determine such additional parking meter zones upon the streets, boulevards and avenues of this city and may remove the same as may be required from time to time. Parking meters for such additional parking meter zones shall be installed, as provided in this section, after purchase by authority of the city commission.

(d) The ~~parking and fleet services~~transportation and mobility department shall from time to time recommend to the city commission the removal of parking meters or multi-space parking meters and the substitution of an attendant-cashier to collect charges for parking on city-owned or operated parking lots. Upon enactment of an appropriate ordinance by the city commission, parking meters or multi-space parking meters may be removed and an attendant-cashier parking system substituted therefor under such conditions as set out in such ordinance.

Sec. 26-157. - Overtime parking.

(a) When any vehicle is parked in any space alongside of, next to, or in front of which is located a parking meter or multi-space parking meter, the owner, operator, manager or driver of such vehicle shall, upon entering the parking space, immediately ~~deposit the proper coin in~~make payment for the parking meter or multi-space parking meter alongside of, next to, or in front of the parking space ~~and shall set the meter in accordance with the instructions contained thereon~~. The parking space may then be used by such vehicle during the parking limits provided

herein. If the vehicle shall remain parked in such parking space beyond the payment period ~~allowed for the deposit of such coin~~, the parking meter or multi-space parking meter shall display a sign indicating illegal parking, and in that event such vehicle shall be considered parked overtime, and a citation may be issued. The parking of a vehicle overtime in any such part of a street where any such meter or multi-space parking meter is located shall be a violation of this section. A subsequent citation may be issued for each violation of the time limits provided on the legend of the meter or multi-space parking meter. The fact that a citation has been issued for a vehicle parked overtime shall not prevent enforcement personnel from issuing a subsequent citation; for example, a citation may be issued every two (2) hours at a two-hour time limit parking meter space for a vehicle that remains parked overtime.

(b) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name or under his control to be parked overtime or beyond the lawful periods of time as set forth in this section.

(c) As per Florida law 316.1964 vehicles displaying a disabled parking permit or license plate may use the handicap space for a maximum of four (4) hours without payment in any on-street metered space, unless signage posted restricts the time to park. For example, if the signage establishes a three-hour time limit, then the driver is allowed to park for a maximum of three hours. After the time limit expires the driver must move the vehicle from the parking space to a different street block.

(1) During City designated special events, payment is required as per normal parking practices.

(2) Payment is required for all vehicles in lots and garages. Only drivers of vehicles with specialized equipment such as a ramp, lift, or foot or hand controls or displaying the Florida Toll Exemption Permit are exempt from parking fees.

(~~c~~d) It shall be the duty of the director of ~~parking and fleet services~~transportation and mobility or his designated representatives to enforce the provisions of this section and to issue citations for all such violations.

Sec. 26-158. - Time limit on metered parking spaces.

Any vehicle parked in a metered or non-meter parking space for a period of time in excess of the maximum time ~~posted~~that the parking meter or multi-space parking meter is designed to register, regardless of the time registered on the meter, is overtime parked and in violation of this section. The penalty for overtime parking is provided in ~~section~~26-161section 26-91. Subsequent citations may be issued as provided in section 26-157.This section shall only apply during the hours that ~~a~~ parking ~~meter~~ spaces~~or multispace parking meter is~~ are otherwise

enforced. Parking spaces subject to enforcement of this section shall be marked either by posted ~~signed~~ signage or decal~~clearly visible from the space or by an indication on the individual meters or multi-space parking meters~~.

Sec. 26-159. - Presumption of overtime parking and ownership of vehicle.

(a) The fact that the time device on any working parking meter or multi-space parking meter is not activated showing time remaining shall be presumptive evidence that the person who parked the vehicle then found standing in the parking space adjacent to such meter or multi-space parking meter failed to ~~deposit a coin~~make payment as required therein or has permitted his vehicle to remain in such parking space for a period of time greater than that permitted for ~~the coin deposited~~such payment. The indication by such meter or multi-space parking meter of illegal parking shall be presumptive evidence of overtime parking.

(b) Any overtime parking violation under this division shall raise the presumption that the vehicle involved was operated by the person in whose name such vehicle was registered.

Sec. 26-160. - Time limit and rate for curb parking meters.

(a) Each curb parking meter shall contain a legend showing the type of ~~coin to be deposited~~payments, the parking time allowed for ~~each coin so deposited~~payment and the hours during which ~~a coin must be deposited~~payment must be made.

(b) The operator using such space shall immediately ~~deposit such coin~~make payment upon parking in the designated area. In case of violation, it shall be the duty of enforcement personnel to ~~take the number of the parking meter and the state vehicle tag number and report such violation~~issue a citation.

Sec. 26-161. - Rates and hours for on and off-street parking.

(a) Under authority of law, the city has acquired certain municipal on and off-street parking lots, garages, and areas, and the revenue derived therefrom shall be used to pay the cost of maintenance and supervision and to retire the principal and interest of municipal parking revenue bonds, in accordance with the provisions of the resolution authorizing same. All such parking lots, garages, and areas owned or operated by the city, except as otherwise provided in this section, shall be operated subject to the rates and hours of operation listed below:

(1) *On-street metered parking spaces:*

a. In the core downtown area, meters south of and including Northeast 1st Street, north of the New River, east of Andrews Avenue, and west of Southeast 6th Avenue (US 1) at a rate of one dollar and fifty

cents ($1.50) per hour of parking time, with the exception of East Las Olas Boulevard between Southeast 3rd Avenue and Southeast 6th Avenue (west side of tunnel) at a rate of one dollar and seventy-five cents ($1.75) per hour of parking time.

b. Meters on Southeast 6th Street and SE 11th Court between Southeast 6th Avenue (US 1) and South Andrews Avenue at a rate of one dollar and fifty cents ($1.50) per hour of parking time.

c. Meters south of the New River, north of Southwest ~~17th~~23rd Street, east of the Florida East Coast Railway, and west of and including South Andrews Avenue at a rate of seventy-five cents ($0.75) per hour of parking time.

d. Meters south of Broward Boulevard, north of the New River, east of Southeast 6th Avenue (US1), and west of the Intracoastal Waterway, at a rate of one dollar and twenty-five cents ($1.25) per hour of parking time, with the exception of East Las Olas Boulevard between Southeast 6th Avenue (east side of tunnel) and Southeast 11th Avenue at a rate of one dollar and seventy-five cents ($1.75) per hour of parking time.

e. Meters south of Broward Boulevard, north of the New River, east of Southwest 7th Avenue, and west of South Andrews Avenue at a rate of one dollar and fifty cents ($1.50) per hour of parking time.

f. Meters south of and including Northwest 5th Street, north of Broward Boulevard, east of and including Northwest 2nd Avenue, and west of, and including, North Andrews Avenue at a rate of seventy-five cents ($0.75) per hour of parking time.

g. Meters along Northeast 3rd and 4th Streets between North Andrews Avenue and Northeast 7th Avenue at a rate of seventy-five cents ($0.75) per hour of parking time.

h. Meters along Northeast 7th Avenue between Northeast ~~1st~~ 6th Street and Broward Boulevard at a rate of seventy-five cents ($0.75) per hour of parking time.

i. Meters south of Sunrise Boulevard, north of and including Southeast 5th Street (Hall of Fame Drive), east of the Intracoastal Waterway, and within one (1) block west of State Road A1A at a rate of one dollar and twenty-five cents ($1.25) per hour of parking time.

j. Meters south of Sunrise Boulevard, north of Southeast 5th Street (Hall of Fame Drive), east of the Intracoastal Waterway, and beyond

one (1) block west of State Road A1A at a rate of one dollar ($1.00) per hour of parking time.

k. Meters south of Sunrise Boulevard, north of Northeast 9th Street, and along Northeast 18th, 19th, and 20th Avenues at a rate of seventy-five cents ($0.75) per hour of parking time.

l. Meters south of Northeast 11th Street, north of Sunrise Boulevard, east of Bayview Drive, and west of the Intracoastal Waterway at a rate of seventy-five cents ($0.75) per hour of parking time.

m. Meters south of and including Northeast ~~22nd~~ 23rd ~~-~~Street, north of Northeast 19th Street and east of State Road A1A at a rate of one dollar and twenty-five cents ($1.25) per hour of parking time.

n. Meters along East Commercial Boulevard at a rate of fifty cents ($0.50) per hour of parking time.

o. Meters along East Oakland Park Boulevard at a rate of fifty cents ($0.50) per hour of parking time.

p. Meters south of East Commercial Boulevard, north of East Oakland Park Boulevard, east of US 1, and west of the Intracoastal Waterway, at a rate of seventy-five cents ($0.75) per hour of parking time.

q. Meters north of and including East Oakland Park Boulevard and east of the Intracoastal Waterway at a rate of fifty cents ($0.50) per hour of parking time.

r. Meters south of East Oakland Park Boulevard on Northeast 29th Court and on Northeast 33rd Avenue at a rate of one dollar and fifty cents ($1.50) per hour of parking time.

s. Meters north of Sunrise Boulevard on A1A (Fort Lauderdale Beach Boulevard) at a rate of one dollar and seventy-five cents ($1.75) per hour of parking time. Residents of the city shall not be charged for the use of these meters provided the resident has secured and utilizes a current city resident beach parking ~~card~~ permit ~~in~~for these meters.

t. Meters south of Northeast 13th Street, north of Sunrise Boulevard, east of North Andrews Avenue, west of US 1, at a rate of one dollar ($1.00) per hour of parking time.

u. Meters along South Ocean Drive between Southeast 20th Street and Southeast 21st Street at a rate of one dollar ($1.00) per hour of parking time.

v. Meters south of Sunrise Boulevard, north of Vistamar Street, west of Breakers Avenue, and east of Intracoastal Waterway at a rate of one dollar and 25 cents ($1.25) per hour of parking time.

(2) Off-street metered parking spaces:

a. Beach Community Center Lot located at 3201 Northeast 33rd Street at a rate of fifty cents ($0.50) per hour of parking time.

b. Bridgeside Square Parking Garage located south of Northeast 30th Court, north of Northeast 30th Street, east of Northeast 32nd Avenue, and west of Northeast 33rd Avenue at a rate of one dollar and twenty-five cents ($1.25) per hour of parking time from 5:00 a.m. to 6:00 p.m. and one dollar and fifty cents ($1.50) per hour of parking time from 6:01 p.m. to 4:59 a.m.

c. City Hall Parking Garage located at 100 North Andrews Avenue at a rate of one dollar ($1.00) per hour of parking time.

d. City Park Garage located at 150 Southeast 2nd Street at a rate of one dollar and twenty-five cents ($1.25) per hour of parking time.

e. Crossroads Lot located at 2621 North Federal Highway at a rate of seventy-five cents ($0.75) per hour of parking time.

f. E. Clay Shaw (17th Street) Bridge Underdeck Parking Lots located at 2150 (east lot) and 1881 (west lot) Southeast 17th Street at a rate of one dollar and twenty-five cents ($1.25) per hour of parking time.

g. Earl Lifshey Park located at 3040 State Road A-1-A at a rate of one dollar and twenty-five cents ($1.25) per hour of parking time.

h. FRB Lot located at 300 Northwest 1st Avenue at a rate of fifty cents ($0.50) per hour of parking time.

i. Northeast 27th Street Lot located at 2700 North Atlantic Boulevard at a rate of one dollar and twenty-five cents ($1.25) per hour of parking time.

j. Oceanside Lot located at 400 Seabreeze Boulevard (the corner of State Road A1A and East Las Olas Boulevard) at a rate of one dollar and seventy-five cents ($1.75) per hour of parking time.

~~k. Police Station Lot located at 1300 West Broward Boulevard at a rate of fifty cents ($0.50) per hour of parking time.~~

k~~l~~. ~~Riverwalk~~River House Lot located at ~~360~~ 220 Southwest ~~2nd~~3rd ~~Street~~Avenue at a rate of one dollar and ~~twenty-five~~fifty cents ($1.2~~5~~0) per hour of parking time.

l~~m~~. Vista Park Lot located at 2880 North Atlantic Boulevard at a rate of one dollar and twenty-five cents ($1.25) per hour of parking time.

mn. Anchor Lot located at 531 Northwest 7th Avenue at a rate of seventy-five cents ($0.75) per hour of parking time.

no. Port Lot located under the South Andrews Avenue Bridge at a rate of one dollar and fifty cents ($1.50) per hour of parking time.

op. Dockside Lot located under the Southeast 3rd Avenue Bridge at a rate of one dollar and fifty cents ($1.50) per hour of parking time.

pq. Las Olas Intracoastal Lot located at 201South Birch Road at a rate of one dollar ($1.00) per hour of parking time from 7:00 a.m. to 6:59 p.m. and one dollar and fifty cents ($1.50) per hour of parking time from 7:00 p.m. to 2:00 a.m. Residents of the city shall not be charged for the use of this parking lot provided the resident has secured and utilizes a current city resident beach parking ~~card~~permit ~~in~~for the meters at this parking lot.

qr. Galt Lot located at 3500 Galt Ocean Mile at a rate of fifty cents ($0.50) per hour of parking time.

rs. Heron Lot located at 800 Southeast 2nd Court at a rate of one dollar ($1.00) per hour of parking time.

st. Jasmine Lot located at 121 North Andrews Avenue at a rate of seventy-five cents ($0.75) per hour of parking time.

tu. Fort Lauderdale Beach Park Lot located at 700 Seabreeze Boulevard at a rate of one dollar and seventy-five cents ($1.75) per hour of parking time from 5:00 a.m. to 2:00 a.m. Residents of the city shall not be charged for parking, provided the resident has secured and utilizes a current city resident beach parking ~~card~~permit. The city manager may approve a special single rate for nonresidents and residents of not more than ~~ten~~twenty dollars ($~~1~~20.00) for days when a special event is scheduled.

i. *Permit entry.* Any person or business may purchase a permit from the director of transportation and mobility~~parking services~~ or his/her designee, subject to availability, by paying a non-refundable annual fee per permit requested, plus a monthly fee payable in advance for each permit. Each permit shall allow the holder to park an automobile in an available space, if any, on a first-come first-served basis during the times the lot is open to the public.

ii. *Permit rate.* Annual non-refundable fee per permit of one hundred sixty dollars ($160.00), plus tax, payable at the time of permit purchase. Monthly fee per permit of thirty-five dollars

($35.00), plus tax, payable in advance for the month to which applicable. City shall have the right to cancel any permit upon thirty (30) days' advance written notice to the holder and the holder shall thereupon be entitled to receive a pro-rated refund of the annual fee for that permit.

Hours. 5:00 a.m. to 2:00 a.m., daily; provided however, that the closing may be changed at the discretion of the director of transportation and mobility~~parking services~~.

uv. Nautical Lot located at 1001 Southeast 4th Street at a rate of one dollar ($1.00) per hour of parking time.

vw. Orchid Lot located at 100 North Andrews Avenue at a rate of one dollar ($1.00) per hour of parking time for meters in the lot east of City Hall and fifty cents ($0.50) per hour of parking time for meters in the lot north of City Hall.

wx. Pelican Lot located at 1500 Southeast 2nd Court at a rate of one dollar ($1.00) per hour of parking time.

xy. Sebastian Lot located at 3031 Sebastian Street at a rate of one dollar and twenty-five cents ($1.25) per hour of parking time.

yz. DC Alexander Lot located at 500 Seabreeze Boulevard at a rate of one dollar ($1.00) per hour of parking time.

zaa. Venice Lot located at 1300 Southeast 2nd Court at a rate of one dollar ($1.00) per hour of parking time.

aabb. Waterway Lot located at 1310 East Las Olas Boulevard at a rate of one dollar ($1.00) per hour of parking time.

bbcc. Aquatic Complex Lot located at 501 Seabreeze Boulevard at a rate of one dollar ($1.00) per hour of parking time for facility guests as validated by the Aquatic Complex; three dollars ($3.00) per hour of parking time for the general public during the Aquatic Complex hours of operation (Monday through Friday 5:00 a.m. to 8:30 p.m.; Saturday and Sunday 5:00 a.m. to 3:00 p.m.) and one dollar and seventy-five cents ($1.75) per hour of parking time after operating hours.

cc. George English Park located at 1101 Bayview Drive at a rate of one dollar ($1.00) per hour of parking time.

dd. Cooley's Landing Boat Ramp located at 450 Southwest 7th Avenue at a rate of one dollar ($1.00) per hour of parking time.

ee. Cox's Landing 15th Street Boat Ramp located at 1784 Southeast 15th Avenue at a rate of two dollars ($2.00) per hour of parking time.

ff. Barnacle lot located at 1512 Southwest 1st Street at a rate of one dollar ($1.00) per hour of parking time.

gg. Coral Lot located at 300 Northwest 1st Street at a rate of one dollar ($1.00) per hour of parking time.

hh. Z Lot is located at 3100 Northeast 32nd Avenue at a rate of fifty cents ($.50) per hour of parking time.

ii. Miles Corner located at the corner of East Oakland Park Boulevard and A1A at a rate of fifty cents ($.50) per hour of parking time.

jj. Snyder Park located at 3299 Southwest 4th Avenue at a rate of one dollar ($1.00) per hour of parking time or a five dollar ($5.00) all day flat rate.

kk~~dd~~. [Reserved.]

(3) *Permit only spaces:*

a. Anchor Lot located at 531 Northwest 7th Avenue is permit only.

(~~3~~4) Upon the recommendation of the director of transportation and mobility~~parking services~~, the city manager may approve temporary parking meter rate increases up to an amount not to exceed one dollar ($1.00) per hour of parking time, for a period not to exceed six (6) months with city commission approval by resolution.

(4~~5~~) The city manager may authorize a special single entry rate of not more than twenty dollars ($20.00) at any city operated lot or garage, provided that prior written notification is given to the city commission by the city manager.

(~~5~~6) Parking is permitted twenty-four (24) hours per day, unless indicated otherwise at parking meters in the parking lot, garage, or area. A closing time may be designated at the discretion of the director of transportation and mobility~~parking services~~.

(~~6~~7) Monthly-permit parking as approved by the city manager, is allowed at the rate of not less than thirty-five dollars ($35.00), plus tax, per month; provided, however, restricted hour monthly-permit parking at rates approved by the city manager is allowed. The city will sell all monthly parking permits on a first-come, first-served basis. Any person wishing to purchase a monthly permit shall first resolve all outstanding or unpaid city-issued parking citations. The resale of city-issued monthly parking permits at a higher price than face value is forbidden and may result in the revocation of said permits without refund and prohibit future sales of city permits to the offending individual(s), corporation or entity.

(b) Each parking meter or multi-space parking meter shall contain a legend showing the type of ~~coin to be deposited~~payment and the parking time allowed for ~~each coin~~

~~so deposited~~such payment. In case of violation it shall be the duty of the enforcement personnel to ~~take the number of the parking meter or multi-space parking meter and the state vehicle tag number and report such violation~~issue a citation

(c) Upon recommendation of the transportation and mobility~~parking and fleet services~~ department, the city manager may authorize the execution by the director of transportation and mobility~~parking services~~ of contracts by which the city agrees to rent or lease parking spaces within any municipal parking lot, garage, or area. Such contracts shall be for a term of not less than one (1) month nor more than five (5) ~~one (1)~~years. The minimum contract fee shall be not less than seven dollars ($7.00) per parking space per month. The fees shall be paid monthly, in advance.

(d) When on-street parking or lots are added, rates are based on nearby parking.

(~~d~~e) For the purposes of this section, "special event" is defined as any event or activity approved and authorized by the city commission to take place within the City of Fort Lauderdale, not specifically undertaken on the city's behalf, that intends to utilize and/or reserve city metered or permitted public parking spaces. The policies and schedules of fees for special event parking are as follows:

(1) The event applicant or sponsor or his/her designee must provide the full payment for all parking spaces the applicant will use that will not otherwise be available for public use to the transportation and mobility~~parking and fleet services~~ department no later than five (5) business days prior to the start of the event.

(2) The presale of parking spaces for special events is subject to availability and may not infringe upon the public's parking needs. The transportation and mobility~~parking services~~ director or his/her designee has complete discretion regarding the presale of parking spaces.

(3) The event applicant or sponsor will provide their own monitoring and/or security for the prepaid parking spaces during the rental period.

(4) The event applicant or sponsor is responsible for blocking and identifying the prepaid parking spaces at the beginning of the event and throughout the duration of the reserved period.

(5) The event applicant or sponsor is responsible for returning the parking spaces to their original condition by the end of the rental period. This includes, but is not limited to clean-up, removing all barricades and debris from the parking spaces, and making any necessary repairs.

(6) If clean-up and/or repairs are not completed by the end of the prepaid parking space rental period, the event applicant or sponsor shall pay fees

equal to the posted meter rate or lot entry rate until the spaces are available for public parking.

(7) Vehicles must be legally parked within the rented parking spaces or parking area.

(8) The resale of any prepaid parking spaces at a higher price than what was originally paid by the event is prohibited and may result in revocation of the use of the prepaid parking spaces without refund and prohibit the future sale of special event parking spaces sponsored or organized by the offending event applicant or sponsor.

(9) No refunds will be provided unless the event is canceled in its entirety and the public parking spaces remain available to the general public. No partial refunds will be made under any circumstances.

(10) The event applicant or sponsor must provide the parking services director or his/her designee proof of insurance at least five (5) business days prior to the event date.

(11) The event applicant or sponsor shall pay the following special event prepaid parking rates:

~~a. For events commencing on October 1, 2005, through September 30, 2006, the rate shall be determined by multiplying the number of reserved parking spaces by the days of use, and by the hours of operation, and by the meter or lot rate applicable at the time of the event. The total amount will then be discounted by twenty (20) percent.~~

~~b. For events commencing on October 1, 2006, through September 20, 2007, the rate shall be determined by multiplying the number of reserved parking spaces by the days of use, and by the hours of operation, and by the meter or lot rate applicable at the time of the event. The total amount will then be discounted by fifteen (15) percent.~~

a~~c~~. For events commencing on or after October 1, 2007, the rate shall be determined by multiplying the number of reserved parking spaces by the days of use, and by the hours of operation, and the meter or lot rate applicable at the time of the event. The resulting amount will then be discounted by ten (10) percent.

b~~d~~. All special event prepaid parking rates include sales tax.

(e~~c~~) Upon recommendation by the city manager, parking may be provided at no charge or at a reduced rate to organizations holding co-sponsored and/or city sanctioned events involving the clean-up,

repair, or maintenance of city facilities or property. This waiver or reduction of parking fees is subject to availability and may not infringe upon the public's parking needs.

Sec. 26-162. - Use of slugs, etc., in meters.

It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any slug, device, or substitute for a coin of the United States of America.

Sec. 26-163. - Disposition of funds derived from meters.

The moneys required to be deposited in parking meters as provided herein are hereby levied and assessed as fees for the sole purpose of providing for the cost of proper supervision and regulation of parking vehicles in the parking meter zones, and to cover the cost of purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of parking meters described herein, and repairs and painting of signs on streets adjacent thereto. All moneys so received shall be used to pay cost of operation and supervision, with any balance to be used to pay principal and interest of municipal parking revenue bonds, in accordance with the provisions of the resolution authorizing same. In the event no municipal parking revenue bonds are outstanding, moneys received from meters north of Sunrise Boulevard on AIA (Lauderdale Beach Boulevard) may be earmarked for other purposes, as determined by the city commission.

Sec. 26-164. - Vehicles parked on public property; towing.

(a) It shall be unlawful to stop, stand or park an unauthorized vehicle, 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, in any public parking lot or parking area during hours when such parking lot or area is closed to the general public or upon any other public property where parking is restricted or prohibited.

(b) Law enforcement officers and parking enforcement specialists are hereby authorized to direct the removal of any vehicle stopped, standing or parked in violation of this section if signs have been posted indicating that the parking lot, parking area or public property is a location from which vehicles will be removed if they are parked illegally.

(c) Removal of vehicles from public property, parking lots or parking areas pursuant to this section shall be accomplished in accordance with the following procedure:

(1) The law enforcement officer or parking enforcement specialist shall attempt to locate the owner or operator of the illegally parked vehicle within the

immediate vicinity of the vehicle before causing the vehicle to be towed or removed.

(2) Once the vehicle is removed, a description of the vehicle shall be forwarded to the police department which shall, as soon as practicable, attempt to ascertain the identity of the owner of the vehicle. Within twenty-four (24) hours, the city shall attempt to contact the owner of the vehicle to notify him of the removal and location of the vehicle.

(3) If the city is unable to contact the owner or operator of the vehicle or if the vehicle remains unclaimed for forty-eight (48) hours, written notice of the towing and location of the vehicle shall be mailed to the registered owner of the vehicle.

(4) Upon payment of the costs of towing and storage, a vehicle removed and impounded pursuant to this section will be released to the owner or operator.

(5) An owner may secure the release of his vehicle without first paying the costs of towing and storage by posting a bond as provided by law.

(6) Should the owner or operator of an illegally parked vehicle contesting the parking citation prevail in an administrative appeal conducted pursuant to section 26-113 or in a court of competent jurisdiction, the costs of removal and storage of the vehicle shall be borne by the city. If such an owner or operator has paid the towing and storage costs to obtain the release of his vehicle prior to prevailing in the administrative appeal or judicial proceeding, the city shall reimburse the owner or operator the full amount of such charges.

Sec. 26-165. - Definitions.

The following words, when used in this Article IV, shall mean the following:

Designation resolution means a resolution adopted by the city commission designating certain residential areas meeting and satisfying the criteria and procedures provided herein as a residential parking permit district in which motor vehicles owned by residents of the residential permit parking district displaying a valid parking permit may park without limitation by parking time restrictions established as provided herein.

Director means director of the department of transportation and mobility, or his or her designee.

Dwelling unit means a single detached building containing one (1) or more residences.

Guest means a person who is visiting a residence for a period less than twenty-four (24) hours.

Guest permit ("GRP") means a permit issued to residents for guests, visitors or commercial vehicles parked on a street within a RPPD.

Non-residential vehicle means a motor vehicle parked on a public right-of-way in a residential area that is registered to a person who is not a resident of such residential area, and who is not displaying a residential parking permit ("RPP") for the particular vehicle as provided in this division.

Parking services manager means the person authorized by the ~~city manager~~director to administer the provisions of this division, or his designee.

Residence means a space, area or portion of a building designed for and to be occupied by one (1) or more persons as a dwelling, with cooking facilities for the exclusive use of such persons.

Resident means a person residing in a residence within the RPPD.

Residential area means a contiguous or nearly contiguous area containing public streets and highways or parts thereof abutted primarily by property zoned or used for a residential use as defined by the city's Unified Land Development Regulations.

Residential parking permit ("RPP") means a permit issued by the ~~parking manager~~director as provided herein for the privilege of parking on a street within a "residential parking permit district."

Residential parking permit district ("RPPD") means a residential area designated for restricted residential parking by the city commission pursuant to the criteria and procedures established herein.

Restricted street means a street located within a residential parking permit district, designated for restricted residential parking by the city commission pursuant to the provisions of this division. A street as used herein shall include the paved area used for vehicular travel and abutting the swale area.

Visitor means a person who is visiting a residence within a RPPD for a period of more than twenty-four (24) hours.

Sec. 26-166. - Designation of residential parking permit districts.

The city commission may designate by resolution certain residential areas meeting and satisfying the criteria and procedures provided herein as a residential parking permit district in which motor vehicles owned by residents of the residential permit parking district displaying a valid parking permit may park without limitation by parking time restrictions established as provided herein.

Sec. 26-167. - Provisions of resolution.

The designation resolution shall describe the area designated as a residential parking permit district, the time limitation and period of the day when non-residential vehicles will be restricted from parking in the area, the cost of the permit, the days of the week when such restriction shall apply and such other information regarding the RPPP program to be established for a specific area.

Sec. 26-168. - Conditions and criteria for designation of residential parking permit districts.

(a) A residential area may be eligible for designation as a residential parking permit district if, based on objective criteria provided herein, on-street parking is impacted by non-resident vehicles during a certain period of the day.

(b) The following objective criteria must be established in order for a residential area to be eligible for designation as a residential parking permit district:

(1) During any period of the day or night sought to be regulated, the number of vehicles parking (or standing) in the residential area in on-street parking is equal to fifty (50) percent or more of the legal on-street parking capacity of the area.

(2) During the same period identified in subsection (1) of this section, twenty-five (25) percent or more of the vehicles parking (or standing) on the streets in the area are not registered in the name of a person residing in the area. For purposes of making this determination, the latest available information from the Florida Department of Motor Vehicles regarding registration of motor vehicles shall be used.

(3) That non-residential vehicles do or may substantially and regularly interfere with the use of the majority of on-street parking spaces by adjacent residents.

(4) That the interference by the non-residential vehicles occurs at regular and significant daily or weekly intervals.

(5) That non-residential vehicles in the proposed residential parking permit district cause or are the source of unreasonable noise, traffic hazards, barriers to the efficient collection of trash and refuse, environmental pollution or devaluation of real property in the area of the proposed district.

(6) There is a need for parking regulations to maintain the residential character of the neighborhood.

(7) That no unreasonable displacement of non-residential vehicles will result into surrounding residential areas.

Sec. 26-169. - Procedure for designating residential parking permit districts.

(a) Upon receipt of a verified petition for the designation of a residential area as a residential parking permit district signed by residents representing more than sixty-five (65) percent of the dwelling units in the residential area proposed to be designated as a residential parking permit district, or upon the request of the city commission, or upon his or her own initiative, the city manager shall cause to be conducted a study to determine if a residential area meets the criteria set forth in section 26-168 of this division. The parameters of the study to be conducted include but are not limited to the time, days of the week, rights-of-way and duration of the study and must be submitted to and approved by the ~~parking manager~~director prior to the study being conducted. If the request is by verified petition of residents, the residents may either conduct the study pursuant to the parameters approved by the ~~parking manager~~director at the residents' own expense, or request that the city hire a consultant to conduct the study for them at the residents' expense. The residents will be responsible for all costs associated with the establishment of the RPPP unless otherwise determined by the city commission.

For purposes of calculating sixty-five (65) percent of the residents, each dwelling unit shall be represented by one (1) resident. If a dwelling unit is a condominium, each condominium unit shall be represented by one (1) resident. If the results of the study demonstrate that the proposed area meets the criteria set out herein, then the area shall be eligible for consideration for designation as a residential parking permit district and the city manager shall submit a report supporting this fact to the city commission.

(b) Following receipt of a report by the city manager that a residential area is eligible for consideration to be designated as a residential parking permit district, the city commission shall conduct a public hearing and determine if all of the criteria set

forth in section 26-168 of this division have been met. Notice of the public hearing shall state the purpose of the hearing and the exact location and boundaries of the residential area under consideration and shall be advertised in a newspaper of general circulation at least ten (10) days prior to the date of the public hearing. The notice shall be mailed to each dwelling unit located within the proposed residential parking permit district, and to each property owner within three hundred (300) feet of the district at least fifteen (15) days prior to the date of the public hearing. Upon a finding that all criteria have been met as provided herein, the city commission may by resolution designate the residential area as a residential parking permit district.

(c) Upon the adoption of a resolution by the city commission designating a residential parking permit district, the ~~parking manager~~director shall cause the resolution to be recorded upon the appropriate map or plat and filed in the office of the city clerk. The ~~parking manager~~director shall cause parking signs to be erected upon the public streets in the area designated as a residential parking permit district stating the times, locations and conditions upon which parking shall be by permit only.

(d) The designation process and criteria set forth in this division shall be utilized in determining whether to remove a residential parking permit district designation.

Sec. 26-170. - Issuance of residential parking permits.

(a) Residential parking permits shall be issued by the ~~parking manager~~director as follows:

(1) The owner of property located within a RPPD shall make application to the ~~parking manager~~director for a residential parking permit. The application shall contain:

a. The name of the owner, tenant of the property or both; and

b. Residence and mailing address of owner, tenant or both; and

c. A valid Florida License or State of Florida I.D. with photo, and address located within the RPPD; or

d. Such other evidence of identification as deemed acceptable by the ~~parking manager~~director showing residency within the RPPD.

(2) The ~~parking manager~~director may issue parking permits to qualified applicants upon the payment of the required fee to assist in recovering the costs related to the residential parking permit program. The number of permits that may be issued per resident shall be as specified in the designation resolution adopted as provided in this division.

(3) The permit shall display the city's seal, the year of issuance, the RPPD area name or such information as approved by the ~~parking manager~~director.

(4) The permit shall be valid for a one-year period unless otherwise provided by the designation resolution adopted by the city commission. Such permit shall be displayed in a location determined by the ~~parking manager~~director.

(5) The residential parking permit shall be issued to qualified applicants upon payment of the fees approved as provided in the designation resolution.

(6) Residential permit parking. A motor vehicle displaying a valid residential parking permit as provided in this section shall be permitted to stop, stand or park on a restricted street within the RPPD for which the permit has been issued. A resident motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this section. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential parking permit district.

The residential parking permit must be used by the applicant for:

a. Parking of the resident's vehicles unless otherwise provided in the resolution.

(7) Guest residential parking permit. Guest residential parking permits ("Guest Permit") as provided in this division shall be distributed in accordance with the provisions of the designation resolution. The designation resolution shall provide for the number of guest permits, who will distribute to guests of a resident and the period of time a guest permit may be used.

The guest parking permit must be used by the applicant for:

a. Parking of visitor's or guest's vehicles as that term is defined herein; and

b. Parking of commercial vehicles while the operator of the vehicle is actually involved in the performance of the commercial activity associated with the commercial vehicle.

Sec. 26-171. - Prohibition.

(a) No person shall stop, stand or park a motor vehicle on any restricted street within a RPPD area during the times provided in the designation resolution, and as the signs posted on such restricted street state that parking is not permitted unless the motor vehicle displays a valid residential parking permit or guest permit as provided by this division.

(b) No person other than the permittee shall use or display the residential parking permit or guest permit on a motor vehicle other than that for which the permit is issued, and any such use or display by a person other than the permittee or guest on a motor vehicle for which the permit is issued shall constitute a violation of this division by the permittee and by the person who so used or displayed such residential parking permit.

(c) It shall be a violation of this division for any person to falsely represent himself as eligible for a residential parking permit or to furnish any false information in an application to the ~~parking manager~~director in order to obtain a residential parking permit.

(d) The ~~parking manager~~director is authorized to revoke the residential parking permit of any permittee found to be in violation of this division and, upon written notification thereof, the permittee shall surrender such permit to the ~~parking manager~~director. Failure, when so required, to surrender a residential parking permit so revoked shall constitute a violation of this division. Once a permit is revoked, it will not be re-issued to that applicant for a one-year period and only upon a new application being filed.

Sec. 26-172. - Penalty.

The penalty for a violation of section 26-171 of this division shall be by issuance of a parking citation as provided in Article IV, Parking, Stopping and Standing, of the Code of Ordinances of the City of Fort Lauderdale, and the fine shall be thirty two dollars ($32.00) per violation.

Secs. 26-173—26-180. - Reserved.

Sec. 26-181. - Parking.

No person shall stand or park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

Sec. 26-182. - Riding on city property.

(a) No person shall ride a bicycle or skateboard or rollerskate or in-line skate upon a sidewalk or any city property where signs are erected prohibiting such activity. The areas where such activities are prohibited shall be designated by resolution of the city commission, and such areas shall be posted accordingly.

(b) Whenever any person is riding a bicycle or skateboard or rollerskating or in-line skating upon a sidewalk, upon which such activity is not prohibited, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

Sec. 26-183. - Bicycle registration.

(a) As used in this section the term "bicycle" shall mean every vehicle propelled solely by human power and including any devices generally recognized as a bicycle though equipped with two (2) front or two (2) rear wheels. The term does not include such a vehicle with a seat height of less than twenty-five (25) inches from the ground when the seat is adjusted to its highest position.

(b) As used in this section the term "bicycle registration decal" shall mean the registration decal issued by the police department pursuant to the registration of any bicycle as provided in this section.

(c) It shall be the duty of any person residing within the city who owns any bicycle to register such bicycle with the police department in accordance with the provisions of this section.

(d) The provisions of subsection (c) above shall not apply to bona fide dealers of new or secondhand bicycles when the bicycles are kept by the dealers for sale to the public.

(e) Bicycle registration is optional for out-of-city residents who ride their bicycles within the city. Proof of out-of-city residency shall be requested when a bicycle is unregistered and out-of-city residency is claimed. In the event out-of-city residency cannot be established, the bicycle shall be handled as an in-city, non-registered bicycle. The police department shall make every reasonable effort to verify residency.

Sec. 26-184. - Application; fee; issuance of bicycle registration decal.

(a) It shall be the duty of the police department to provide application forms for bicycle registration as required by this section. Said application forms shall request sufficient information to identify any bicycle sought to be registered. The application forms shall be furnished by the police department to any residents or non-residents of the city for the registration of a bicycle.

(b) It shall be the duty of the applicant for the registration of a bicycle to provide the information required by the application, including satisfactory proof of ownership. ~~satisfactory to the city, and to pay to the police department the sum of one dollar ($1.00) for the registration of the bicycle, for which fee~~ Upon the execution of a completed application, the applicant shall be provided with a bicycle registration decal by the police department. In the event an owner does not have a receipt for purchase of the bicycle showing ownership of the bicycle, an affidavit declaring ownership may be used.

Sec. 26-185. - Display of bicycle registration decal.

A bicycle registration decal, when issued by the police department, shall be immediately affixed by the applicant to the bicycle for which the bicycle registration decal was issued, in such a position that the bicycle registration decal is clearly visible from the rear of the bicycle. The bicycle registration decal shall continue to remain attached to the bicycle for which the bicycle registration decal was issued and shall not be removed from such bicycle.

Sec. 26-186. - Transfer of bicycle registration decal.

No bicycle registration decal issued pursuant to this section shall be transferable from one bicycle to another. However, a decal is transferable from one person to another person when there has been to a change in ownership of the bicycle and in accordance with a change in the registration of the bicycle as provided for in section 26-187.

Sec. 26-187. - Change of registration upon sale or exchange.

Not later than ten (10) days after the sale or exchange of any bicycle previously registered in the city, the purchaser of the bicycle shall make application to the police department for a change in registration of the bicycle, and shall furnish the police department with the necessary information required to effect the change of registration. There shall be no charge for a change in registration of any bicycle.

Sec. 26-188. - Removing, changing, mutilating or destroying bicycle registration decal.

It shall be unlawful for any person to remove, to change, to mutilate or to destroy any bicycle registration decal issued pursuant to section 26-184 and attached to any bicycle, unless it is transferred to a non-resident of the city that desires to remove the decal.

Sec. 26-189. - Stolen, lost, mutilated or destroyed bicycle registration decal.

In the event that any bicycle registration decal issued pursuant to this section and attached to any bicycle shall be stolen, lost, mutilated or destroyed, the person owning the bicycle shall report the loss to the police department and shall be furnished with a new bicycle registration decal at no cost to the owner. It shall be unlawful for any person owning any bicycle, when the bicycle registration decal has been stolen, lost, mutilated or destroyed, to fail to report the loss of such bicycle registration decal to the police department within twenty-four (24) hours after the loss thereof has been discovered.

Sec. 26-190. - Bicycle registration decal with obliterated or illegible numbers.

In the event any number on a bicycle registration decal shall become obliterated or illegible, it shall be the duty of the person owning the bicycle to apply to the police department for a duplicate bicycle registration ~~decal for which decal the applicant shall pay a fee of one dollar ($1.00).~~ It shall be unlawful for any person to ride on any bicycle having attached thereto a bicycle registration decal the number of which is obliterated or illegible.

Sec. 26-191. - Penalties.

(a) A police officer may take into possession and impound any bicycle being operated or possessed on all streets, roads, highways, alleys, sidewalks, or other rights-of-way upon which the city has the authority to enforce traffic laws and ordinances when the bicycle does not have attached thereto a bicycle registration decal. The police department may keep the bicycle impounded until the owner obtains for the bicycle a bicycle registration decal or shows proof of ownership satisfactory to the city, pays all applicable civil fines and completes any required community service hours, as provided for in section 26-191(c).

(b) Within ninety (90) days after such impoundment the owner has not registered the bicycle or requested its return upon showing satisfactory proof of ownership, the bicycle shall be considered unclaimed evidence in accordance with Section 705.105, Florida Statutes, and the city may retain the bicycle for its use, transfer the bicycle to another governmental entity, donate the bicycle to a charitable organization or sell the bicycle. If the city chooses to sell a bicycle, the city shall advertise the bicycle for sale as it does other unclaimed evidence. The owner may, upon proof of ownership satisfactory to the city before the time of sale, redeem the bicycle by payment of any civil fines and costs incurred in the impoundment and advertisement for sale of the bicycle.

(c) In addition to impoundment as provided for above, a citation may be issued by the police department for failure to properly register a bicycle or for violation of sections 26-183 through 26-191. The penalty for such violation shall be payment of a fine in the amount of ten dollars ($10.00) or performance of five (5) hours of community service.

Sec. 26-192. - Administrative hearing.

Any person wishing to contest a citation for a violation of section 26-183 through 26-191 may appeal the citation to the police department by notifying the police department in writing of an intent to contest within seven (7) business days of the issuance of the violation. Such person shall be given the opportunity to state objections to the citation to a designated police department representative who will then make a decision as to the validity of the citation within five (5) days thereafter and who shall notify

the violator of the decision. If the violator does not concur with the decision of the designated police department representative, the violator may make a written request for a hearing before the police chief, or the chief's designee.

Secs. 26-193—26-200. - Reserved.

Sec. 26-201. - Obstruction to driver's view or driving mechanism.

(a) No person in a bus, trolley coach, or other transit vehicle shall stand beyond the safety line which shall be inlaid, constructed in the floor or painted upon the floor, so as to interfere with or obstruct the driver's view to the front or sides or to obstruct the view of signals he may give to drivers of other vehicles.

(b) No vehicle shall be operated upon any street unless the driver's vision through any required equipment is normal.

(c) No owner shall display upon any part of his vehicle any official designation, sign, or insignia of any public or quasi-public corporation, municipal, state, or national department or government subdivision without authority of such agency.

Sec. 26-202. - Permits for parades, processions, sound trucks.

No procession or parade, excepting the forces of the United States Armed Services, the military forces of this state, and the forces of the police and fire departments, shall occupy, march, or proceed along any street or roadway except in accordance with permission issued by the police chief and such other ordinances that may apply. No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street for the purpose of selling, offering for sale, or advertising in any fashion, except in accordance with a permit issued by the police chief.

Sec. 26-202.1. - Parade and public assembly prohibitions.

(a) *Definitions.*

(1) The term "parade" shall mean a coordinated movement, except a coordinated movement directly associated with a practice or rite of a well-recognized bona fide religious sect or organization, of eight (8) or more pedestrians or vehicles upon the streets, within the city with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of traffic upon the street.

(2) The term "public assembly" shall mean a gathering, except a gathering directly associated with a practice or rite of a well-recognized bona fide

religious sect or organization, outside a structure, of more than eight (8) persons for a common purpose at a public place within the city that continues in existence for more than thirty (30) minutes, with the intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic upon any public facility, street, sidewalk, swale, alley, park recreation area or other place or building.

(3) The term "sleeping dragon" shall mean a section of pipe, or a container filled with weighted material, handcuffs, chains, carabiners, or other locking devices used to lock a person or persons to another person or persons or other objects.

(4) The term "weapon" shall mean, notwithstanding any other provision of this code, air rifle, air pistol, paintball gun, paintball rifle, explosive, blasting cap(s), knife, hatchet, ax, slingshot, slungshot, blackjack, metal knuckles, mace, iron buckle, ax handle, chains, crowbar, hammer, shovel, or any club or bludgeon or any other instrumentality used or intended for use as a dangerous weapon.

(b) *Prohibitions.* The following prohibitions shall apply to all parades and public assemblies:

(1) It shall be unlawful for any person participating in any parade or public assembly to carry or possess any weapon, except for firearms which possession and use shall be governed by F.S. Ch. 790.

(2) It shall be unlawful for any person to carry or possess any sign, poster, plaque or notice unless such sign, poster, plaque or notice is constructed solely of a cloth, paper, flexible or cardboard material no greater than one-quarter (¼) inch in thickness.

(3) It shall be unlawful for any person to carry or possess any length of lumber, wood or wood lath unless it is one-fourth (¼) inch or less in thickness and two (2) inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-quarters (¾) inch in its thickest dimension. Both ends of the length of lumber, wood or wood lath shall be blunt and shall not be pointed. Exceptions from this subsection include 1) lumber or wood used to support or control puppets, so long as the lumber or wood is not detached from the puppet; and 2) stilts, defined as two (2) poles with footrests off the ground on which someone balances or walks so long as each stilt does not exceed fifteen (15) feet in length and two (2) inches by two (2) inches in width.

(4) It shall be unlawful for any person to carry or possess any length of metal, plastic or other similar hard or stiff material, whether hollow or solid; provided that hollow plastic does not exceed three-quarter (¾) inch in diameter, does not exceed one-eighth (⅛) inch in wall thickness and is not filled with any material, liquid, gas or solid, may be used to support a sign, banner, placard or other similar display; however, both ends of the length of plastic material shall be blunt, and not pointed.

(5) It shall be unlawful for any person to carry or possess glass bottles, glass jars or glass containers of any kind, unless such glass container is a vial required to hold medication customarily stored in a glass vial.

(6) It shall be unlawful for any person to carry or possess balloons filled with any material or substance other than air, oxygen or helium. Such materials and substances include, but are not limited to, water, paint, or any other liquid, solid, or other gas.

(7) It shall be unlawful for any person to carry or possess with the intent to unlawfully use, any hard materials or substances or pieces of hard materials or substances such as bricks, stones, rocks, or pieces of asphalt or concrete that are capable of being thrown or projected that may cause injury to persons or property.

(8) It shall be unlawful for any person to carry or possess:

(i) Any spray paint cans or other spray cans that contain toxic materials, liquids or gases, including but not limited to, gasoline, kerosene, ammonia, acids or other caustic substances.

(ii) Any type of bio-hazardous materials or substances or any type of bottle or similar container that contains toxic materials, liquids or gases, including but not limited to, gasoline, kerosene, ammonia, acids or other caustic substances.

(9) It shall be unlawful for any person to carry or possess any projectile launcher or other device which is commonly used for the purpose of launching, hurling, spraying or throwing any object, liquid, material or other substance, including, but not limited to, waterguns and watercannons. Nothing in this subsection is intended to prohibit or restrict those participating in parades or assemblies from possessing sufficient amount of water or other liquids, designed and intended for human consumption during such events.

(10) It shall be unlawful for any person to use, carry, or possess any so called "sleeping dragon" or similar device.

(c) *Exception.*

(1) Nothing in this section shall prohibit a disabled or injured person from carrying, possessing or using a wheelchair, cane, walker or similar device necessary for providing mobility so that a person may participate in a parade or public assembly, and so long as such items are not used as weapons.

(d) *Illegal possession or use of items otherwise prohibited by law or regulation.*

(1) Nothing in this section is intended to authorize the possession or use of materials, substances, weapons or devices that are otherwise prohibited by any other local, state or federal ordinance, statute or regulation.

(2) The purpose of this section is to prohibit the carrying or possession of items, materials and substances that have the potential to be used as weapons to cause physical or personal damage, and whose possession might not otherwise be prohibited by local, state or federal law.

(e) *Penalty.*

(1) Any person convicted of violating any prohibition in subsection (b), shall, upon conviction, be penalized as provided in section 1-6 of this Code.

Sec. 26-203. - Hitchhiking prohibited.

(a) Except as provided in this section, no person shall stand or place himself in proximity to a street or roadway for the purpose of soliciting a ride on any motor vehicle, nor shall any driver of a motor vehicle stop the same for the purpose of picking up and giving a ride to any person standing or placing himself for the purpose of soliciting a ride.

(b) The prohibitions of subsection (a) do not apply:

(1) To waiting at bus stops or stopping buses.

(2) To hailing taxicabs or stopping of taxicabs.

(3) To prearranged rides.

(4) To rides provided to assist in an emergency.

Secs. 26-204—26-209. - Reserved.

Sec. 26-210. Purpose.

The purpose of this Act is to authorize and implement the use of traffic infraction detectors within the City of Fort Lauderdale's jurisdictional limits, in accordance with the general law pursuant to the "Mark Wandall Traffic Safety Act," Laws of Florida, Chapter 2010-80, F.S. Ch. 316, as may be amended.

Sec. 26-211. Use of traffic infraction detectors.

The City of Fort Lauderdale shall use traffic infraction detectors within its jurisdiction pursuant to the Mark Wandall Traffic Safety Act, Laws of Florida, Chapter 2010-80, to enforce the State of Florida Uniform Traffic Code F.S. § 316.0083, as may be amended, to enforce F.S. § 316.074(1) or § 316.075(1)(C), as may be amended.

Sec. 26-212. Implementation of general law.

The city manager, or his designee, is authorized to implement the provisions and requirements of Laws of Florida, Chapter 2010-80, F.S. § 318.0083, as may be amended and may take any action which is necessary for such purpose.

Secs. 26-213—26-220. Reserved.

Sec. 26-221. Purpose.

The purpose of this article is to:

(a) Promote the safe and legal operation of valet parking for the use and convenience of businesses and the general public;
(b)` Expand the opportunity to provide valet parking in a safe and efficient manner in order to promote economic development in the city;
(c) Minimize hazardous conditions that valet operations may create in order to protect the health, safety and welfare of the public; and
(d) Minimize the disruption of vehicular and pedestrian traffic that a valet parking service operation may create.

Sec. 26-222. 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.

ADA means the Americans with Disabilities Act.

Additional user, also referred to as a secondary user means an operator who has received a valet permit to use a valet area that is in use by an existing operator under a valet permit issued in accordance with this article. When referring to an additional user the existing operator will be referred to as the primary operator.

Applicant means a person or company requesting a valet parking permit who will be held responsible for compliance with the terms and conditions of the permit and the provisions of this Article VIII. If a valet operator as defined herein is operating the valet operation, the valet operator must be the applicant and must submit with the application, a written consent of the owner of the business for whom the valet operator is conducting the valet operation.

City means City of Fort Lauderdale, a municipal corporation of the State of Florida.

City engineer means the city's engineer or his or her designee.

City manager means the city manager of the City of Fort Lauderdale or his or her designee.

Customer means the person driving a vehicle and using the valet service to drop-off, park, or pick-up a vehicle in the ramping area.

Department means the department of transportation and mobility for the city.

Director means director of the department of transportation and mobility or his or her designee.

Division means a division of the department of transportation and mobility titled parking services division, responsible for the administration and operation of the city's parking system.

Meter rate means the posted hourly rate of the metered parking space in effect at the time of the use of that parking space, as approved by the city commission as amended from time to time.

Officer means any person authorized by law, ordinance, or the city manager to enforce the provisions of this Article VIII, including but not limited to a police officer, park ranger, security guard, parking enforcement specialist, public service aide, or code enforcement officer, or other person who is authorized by the city to issue parking citations, violation notices or both.

On-street parking means metered or non-metered public parking spaces within a public right-of-way.

Operator means a valet operator as defined herein.

Parking facility means any publicly owned parking lot, parking garage, parking space or parking area.

Pedestrian priority and image streets/people streets means those public right-of-ways as provided in the sections 47-13.20.G and 47-12.4.B.1 of the city's ULDR or any other public right-of-way determined by the city engineer to have substantial pedestrian traffic.

Permit means a valet operation permit issued by the city pursuant to the provisions of this Article VIII.

Ramping means the temporary staging or temporary storage of a vehicle within the ramping area.

Ramping area means an area of right-of-way or parking facility where a vehicle stops in order to transfer the vehicle from a customer to a valet attendant for the purpose of parking the vehicle at another location.

Right-of-way or *ROW* means the surface and space on, above and below any real property in which the city has an interest in law or equity, whether held in fee, easement, dedication, plat or other estate or interest open to travel by the public, including but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, or bridge.

Special event means an event determined by the city manager to require a temporary valet permit as described herein which for any one (1) business may occur no more than twice a year and last no longer than five (5) days.

Storage means parking a vehicle for more than ten (10) minutes. Temporary storage means parking a vehicle for less than ten (10) minutes.

Tandem parking means the storage of a vehicle, irrespective of how configured, that requires moving at least one (1) vehicle parked in a space in order to reach and move another vehicle out of another parking space.

Temporary valet permit means a permit issued for a period of less than one year as specified in this article.

Transition lane means the tapered portion of a ROW approaching and departing from the curbside valet operation area from and to the vehicular travel lane located within the ramping area delineated by a traffic device.

Unified Land Development Regulations or *ULDR* means that section of the city's code of ordinances that establishes the minimum standards for zoning and development activities within the boundaries of the City of Fort Lauderdale, as may be amended from time to time.

Valet attendant or *attendant* means the person, acting on behalf of a valet operator, who transfers a vehicle to and from a customer to a valet attendant for the purpose of parking the vehicle.

Valet equipment means items used in the valet operation including but not limited to mobile stands, traffic control devices, signs, tables, chairs, umbrellas, key boxes and any other objects necessary for the valet operation that are proposed to be placed within the right-of-way, sidewalk or other areas used for vehicular or pedestrian travel.

Valet operator or *operator* means a person who owns and operates a valet operation and holds a current business tax receipt issued by the city pursuant to Chapter 15 of the Code of Ordinances to provide valet parking services.

Valet operation or *operation* means activities associated with providing valet parking services that include but are not limited to, ramping, storage, taking custody of a customer's vehicle or delivering the vehicle back to the customer, storing customer keys, and all the equipment, devices, signage, tables, chairs, and similar items used to support valet parking services.

Valet operation permit area or *valet area* means all the area including but not limited to the ramping areas, the adjacent sidewalk area and any other area where the operation is conducted as identified in the valet permit.

Vehicle storage area means the location where the valet attendant parks a customer's vehicle while in the care and custody of the valet operator.

Sec. 26-223. Permit required.

No person, establishment or entity shall conduct valet operations using a ROW or parking facility unless a permit has been issued in accordance with this article except as provided in section 26-232 for temporary valet permits.

Sec. 26-224. Permit application.

(a) Application for a permit to conduct valet operations shall be submitted to the division on a form provided by the director. Unless otherwise provided herein, the following is a list of the minimum requirements to complete an application. Additional information necessary in order to determine if the requirements of this article have been met may be required by the division:

(1) Name, address, and telephone number of the applicant. The phone number(s) shall be the number that the operator can be reached Monday thru Friday 8:00 am to 5:00 pm and during all hours of the valet operation.

(2) Proposed hours of the valet operation.

(3) Proposed location and address of the valet operation.

(4) Name, address, and contact number of the business, entity, or person that the valet operation will serve.

(5) Proposed fees to be charged to the customer, if any.

(6) Copy of the current liability insurance in accordance with the provisions of section 26-231 of this article.

(7) A signed acknowledgement, on a form provided by the department, evidencing agreement of the valet operator to abide by the terms and conditions set forth in the permit and this article and any other applicable federal, state, county, or local laws, as amended.

(8) The zoning district of the property the valet operator will serve as designated on the official zoning map of the City of Fort Lauderdale, as amended.

(9) A valet operations plan, including a drawing or sketch of the valet operations area. The following information shall be provided in the plan:

a. The dimension of the inside and outside customer floor areas, seating capacity or both of the business to be served by the valet operator at the permit location. If there is more than one (1) type of business on a single property such as a restaurant and a bar, each type of business will be identified. The estimated maximum rate of vehicle arrivals and departures for a business within a fifteen-minute period shall be provided.

b. The minimum number of valet attendants that will be provided for each hour that the valet service will be in operation. A minimum of two (2) attendants is required at all times unless otherwise indicated on the approved permit.

c. The size and location of the proposed ramping area including dimensions and the number and location of existing marked public parking spaces, if any that are proposed to be used by the valet operator.
d. Photographs of the proposed ramping area.
e. The proposed placement of traffic cones in the ramping area, in accordance with the permit.
f. The location of the off-street vehicle storage area(s) that may be used by the valet operator and the number of potential spaces that may be used for valet operations.
g. A valet operations route map showing the roads that may be used to transport vehicles from the ramping area to the storage area and the storage area to the ramping area.

(b) An operator wishing to change the size or location of a ramping area, any other change that may affect the valet operation, a change to the hours of operation or any similar revision to the permit must submit an amendment to the original application and pay a fee of twenty-five dollars ($25.00) at least three (3) business days prior to the requested change for review by the director and the city engineer. Approval or denial of the application to amend the permit will be provided within three (3) business days of receipt of a completed application for amendment to the permit.

(c) An operator wishing to change the business it is serving or the location in relation to the business it serves must submit a new application to the division as provided in section 26-224

(d) An operator will notify the division of any change of ownership of the business the valet operator serves or a change in the name of the business it serves.

(e) An application shall be accompanied by a non-refundable application fee of two hundred sixty-five dollars ($265.00) for the initial permit and one hundred fifty dollars ($150.00) annually for permit renewals for the same location. These fees may be amended by resolution adopted by the city commission.

Sec. 26-225. Application review process; permit review criteria.

(a) Within five (5) business days of receiving a permit application, the division shall determine if the information provided is complete and notify applicant of any deficiencies in the application. Upon submittal of additional information the division will determine if the application is complete and shall notify the applicant if there are deficiencies. If an applicant fails to provide additional information requested by

the division within two (2) weeks of notification, the application shall be considered withdrawn by the applicant and a new application will be required. The review of the application shall not commence until the application is determined to be complete by the division. Once the application is determined to be complete, the division shall submit the application to other city departments with interest in the valet operation for their review and comment, including but not limited to, ~~urban design and planning~~, engineering, ~~building services~~,police, fire, and risk management departments.

(b) Within forty-five (45) calendar days of receipt of a complete application the division shall:

(1) Approve the permit, approve the permit with conditions or deny the permit; or

(2) Issue written comments to the applicant for further response. Should applicant fail to respond with a reasonable effort to comments provided within fourteen (14) calendar days, the application shall be considered withdrawn by the applicant. The director may issue a written extension of said response period if applicant demonstrates hardship or extenuating circumstances.

(c) In addition to a permit, valet operators shall be required to obtain a city business tax receipt to operate a business within the city's jurisdiction.

Sec. 26-226. Standards and criteria for application review.

The following standards and criteria shall be used in reviewing the application and such standards and criteria must be met in order for a permit to be approved:

(a) Valet operations in rights-of-way shall not be permitted as follows:

(1) Within rights-of-way within city boundaries that are not under the city's jurisdiction. However, this shall not preclude the applicant from obtaining independent permits from the entity with jurisdiction over a public right-of-way outside the city's jurisdiction for valet operation, subject to payment to the city for use of any city controlled public parking spaces as part of the valet operation. If another entity approves a valet operation, the valet operator shall be required to notify the division in writing.

(2) On ROW having speed limits greater than thirty (30) M.P.H.

(3) On pedestrian priority and image streets/ people streets as defined in this article.

(4) East Las Olas Boulevard from S.E. 3rd Avenue to S.E. 16th Avenue.
(5) S.W. 2nd Street from S.W. 2nd Avenue to S.W. 7th Avenue.
(6) During times of significant traffic demand on the ROW used for the ramping area and valet operation routes as determined by the city engineer.

(b) A ramping area and valet operation route between a ramping area and a vehicle storage area shall not be located in the following areas:
(1) In a vehicular or bicycle travel through lane.
(2) On a sidewalk.
(3) In a location that would damage swales, drainage areas, landscaping, irrigation systems, or other similar right-of-way features.
(4) In the sight lines of regulatory signs and traffic control devices.
(5) On the same side of the ROW and within one hundred (100) feet of another ramping area permitted to be used pursuant to a valet parking permit.
(6) Within five (5) feet of a crosswalk.
(7) Within fifty (50) feet of a transit stop.
(8) Within forty (40) feet of a loading zone.
(9) Within the sight triangles of streets, alleys or driveways.
(10) Within areas that conflict with the need for public parking as determined by the director.

(c) When a valet operation proposes to include the use of unmarked public parking spaces within the ramping area, the length of the ramping area shall be a minimum of sixty (60) linear feet and a maximum of one hundred twenty (120) linear feet.

(d) When a valet operation proposes to use marked public parking spaces within the ramping area, the length of the ramping area shall be a ~~minimum of three (3) marked parking spaces and a~~ maximum of five (5) marked parking spaces.

(e) The width of the ramping area shall be a minimum of ten (10) feet from curb face.

(f) Transition lanes shall be provided at the entry and exit points of the ramping area. Transition lanes shall be located entirely within the ramping area and be delineated with reflective traffic cones provided by the valet operator. A mobile sign stating "valet parking" shall be placed at the entry point to the valet operator area. Traffic control devices shall be placed to guide the vehicles to the curb so that the distance between the travel lanes and vehicle is maximized.

(g) When a proposed valet operation includes a residential street on the route(s) between the ramping area and storage area(s), the applicant shall demonstrate that no alternate route can reasonably be taken that will not include the residential street.

(h) The requirements provided in this section 26-226 shall be in accordance with standards and criteria as determined by the city engineer, as may be amended from time to time. All traffic control devices shall be consistent with the Manual of Uniform Traffic Control Devices (MUTCD).

Sec. 26-227. Valet equipment.

(a) Valet equipment proposed to be located within a sidewalk or other public pedestrian path shall be located so that the minimum width for an accessible route required by Building Book Accessibility, Chapter 4 of the 2010 Florida Building Code, as amended from time to time, is provided.

(b) No permanent structures are permitted in the public right-of-way. Valet equipment shall not be affixed, attached or chained in any manner to the right-of-way or any existing features within the right-of-way.

(c) To protect the health, safety and welfare of the public, the city may impose special conditions that are more stringent than the criteria provided in this section. Any errors or omissions in the city's review and approval of a permit application shall not relieve applicant from complying with all applicable requirements. Conditions of approval after a permit is issued may be modified for public safety based on a review of the actual valet operations in the field.

Sec. 26-228. Ramping fee and ramping space rental.

(a) If the valet operation requires the use of public parking spaces, whether metered or non-metered, the operator shall, in addition to the permit fee, be required to pay for use of the parking space(s) at the metered rate established by the city as more fully described in subsection (b) of this section or at a rate based on every twenty (20) linear feet of parking area per day as established by resolution adopted by the city commission, as amended from time to time.

(b) Rates for metered parking spaces are provided in section 26-161 of the City Code as the same may be amended. The fee for metered public parking spaces incorporated into a ramping area shall be calculated based on the following formula: the meter rate times the number of parking spaces reserved times the hours of use for each day of the valet operation. The fee shall be paid in full, in

advance, to the division annually. ~~If the annual rate exceeds five thousand dollars ($5,000.00) then payment must be paid quarterly.~~The parking services manager may approval quarterly or semi-annual payments. Florida state sales tax is included in the meter rate if the meters are off-street

(c) Parking space fees are due and must be received by the department no later than ten (10) business days prior to the date the permit takes effect and ten (10) days prior to every annual renewal or, if approved by the ~~director~~parking services manager, every quarter or semi-annual period thereafter while the valet permit is in effect.

(d) Where the public parking spaces are controlled by a single parking meter for each space, the valet operator will be responsible for securing spaces designated for the ramping area by placing meter bags obtained from the division over each meter upon the approval of and payment for the permit and parking space fee for the ramping area spaces during the permitted hours and days of the valet operation. There will be a deposit for the cost of each bag, payable to the division along with the parking space fee, for the duration of valet operations until the bag is returned in good condition. ~~Effective on the date this article takes effect, t~~The deposit shall be ~~fifteen~~eighteen dollars ($1~~5~~8.00) per meter bag. The deposit for bags may be amended by resolution adopted by the city commission when such adjustment is necessary to ensure cost recovery to the department.

(e) When the public parking spaces to be used in the valet operations have a multi-space meter, the number of parking spaces used in a ramping area will be considered to be the length of the ramping area divided by twenty-two (22) feet, rounded up to the nearest whole number of feet, and the hourly rate shall be the rate charged at the multi-space meter nearest to the business where the valet operation will be conducted.

(f) The director may approve valet operations serving a city owned or operated facility on behalf of the city without charging the fees required by this article if the director identifies another source of funding.

(g) Public parking spaces permitted to be used pursuant to permit may not be sublet, assigned, devised, transferred, encumbered or sold at any time.

Sec. 26-229. Operational standards.

(a) Applicant must comply with all applicable requirements of the City Code, Ch. 316, F.S. (State Uniform Traffic Control) and all other applicable laws.

(b) The applicant shall be responsible to ensure that the following requirements are met during valet operations:

(1) Safe and efficient movement of vehicular, pedestrian and bicycle traffic;
(2) Unimpeded transit access and operation;
(3) Access to public utilities;
(4) Access by the public to right-of-way features, including but not limited to kiosks, mailboxes, multi-space meters;
(5) Access for emergency vehicle operations;
(6) Unimpeded ingress/egress of other businesses or institutions in the area;
(7) The quality of life in residential neighborhoods through which valet operations may be conducted is not disturbed.

(c) The valet operation shall be limited to the storage areas, ramping areas, valet operation routes and valet equipment locations specified in the permit.

(d) Ramping shall only be permitted within the boundaries of the ramping area specified on the drawing or sketch attached to the approved permit. There shall be no storage of vehicles in the ramping area.

(e) A minimum of two (2) attendants is required at all times during valet operations unless otherwise provided in the permit. If, in the sole determination of the city engineer or chief of police, a valet operation is likely to create or contribute or is creating or contributing to an unsafe or hazardous condition, or impacts adjacent streets or sidewalks to the extent that it threatens the safety of vehicular, or pedestrian movement or both in the area, then the city engineer or chief of police may require the operator, as a condition of permit approval or at any time after written notice to the operator, to provide, at operator's sole cost and expense, detail police officers or public safety personnel to direct traffic in the traffic lanes adjacent to the valet operation area during the operation of the valet service.

(f) Storage of vehicles must be in compliance with all ULDR regulations and the code.

(g) Storage of vehicles on ROW or other public property is strictly prohibited, unless specifically authorized and stated on the approved permit.

(h) Ramping of vehicles is limited to stopping a vehicle in order to allow a customer to enter or exit a vehicle for transfer to, or obtaining from a vehicle a valet attendant.

(i) Valet equipment shall not be located in the ramping area or right-of-way except as provided in the permit.

(j) The use of public parking spaces for storage of vehicles under the valet operator's care and custody is prohibited unless specifically authorized pursuant to the permit as specified in section 26-228 of this article.

(k) Valet operators shall clearly identify the vehicles in their possession during the entire time that said vehicles are in their possession. Such identification shall be made by placing the name of the establishment that the valet operator is serving

on the vehicle so that it is visible and legible through the front windshield, either on the dashboard or on the rear view mirror by hangtag.

(l) Parking and traffic citations issued to vehicles for a violation caused by the valet operator while the vehicle was under the custody and control of the valet operator shall be the sole responsibility of the valet operator.

(m) Use of handicap parking spaces for valet parking requires the proper display of the customer's current handicap placard or handicap license plate. Vehicles that a valet operator has parked in such handicap spaces without a properly displayed handicap placard or license plate will be issued a handicap parking space citation of two hundred fifty dollars ($250.00), or the amount in effect at the time of the violation, and the valet operator shall be responsible for payment of the citation.

(n) Permits issued under this article shall be conspicuously displayed at all times at the valet operation location identified on the permit and shall be available for inspection upon request of the city.

(o) The operator shall maintain at all times an applicable and current business tax receipt issued by the city to be displayed at the valet operation location identified on the permit.

(p) The operator shall take all actions necessary to ensure that its use of the sidewalk in no way interferes with pedestrians using the sidewalk in accordance with ADA requirements or limits the free and unobstructed passage by pedestrians except as provided in the permit.

(q) Valet equipment such as but not limited to chairs, umbrellas, key boxes and any other objects necessary for the valet operation shall be maintained, have a clean and attractive appearance, be in good repair at all times, and be removed at the close of valet operations each day.

(r) The sidewalk area covered by the permit shall be maintained by the valet operator in a neat and orderly appearance at all times, free of trash and debris during valet operations and the area shall be cleared of all debris on a periodic basis during the valet operations and at the close of each day.

(s) No advertising signs shall be permitted on the sidewalk or in the ROW. This shall not prohibit the use of one (1) business identification sign, bearing no advertising other than the name of the valet operator and not exceeding five (5) square feet in area, to be affixed to a valet operator service stand on the sidewalk and identify "valet parking."

(t) Valet business identification signage shall include, but not be limited to: the name of the valet company, contact phone number, the rate to be charged to the customer, and the latest vehicle pick up time.

(u) Valet equipment including but not limited to mobile stands, tables, chairs, umbrellas, key boxes or any other objects necessary for the valet operation shall not be attached, chained, or in any manner affixed to any tree, post, sign, or other fixtures, curb or sidewalk within or near the valet operation area.

(v) The sidewalk, curb, or ROW shall not be altered or defaced in any way, including holes, stakes, or other disturbance of city property.

(w) The permit covers only the ROW. Other applicable laws of the city shall govern valet parking services and objects necessary for the operation of the valet parking operation located on private property.

(x) Tandem parking is strictly prohibited in the right-of-way.

(y) The operator shall maintain insurance as required by section 26-231 of this article.

If after inspection by city of the actual valet operation, non-compliance with any of the foregoing requirements is identified, the transportation and mobility director and public works director are authorized within their discretion to modify conditions of the permit, temporarily suspend the permit or revoke the permit, in accordance with sections 26-234 and 26-235 of this article.

Sec. 26-230. Operator's code of conduct; required customer protection regulations.

(a) Operators shall require all persons working in conjunction with the valet operation including but not limited to employees and persons under contract with the valet operator and any persons performing any service associated with the valet operations, referred to in this section as employees, to meet the following minimum requirements:

(1) All employees who operate motor vehicles shall have in their possession at all times a valid Florida driver's license in good standing and shall abide by all City of Fort Lauderdale, Broward County, and state traffic regulations.

(2) All employees shall be in similar uniform.

(3) All employees shall wear on their uniform a nametag identifying the employee's name and the name of the valet operator.

(4) All employees shall perform their duties in a courteous and professional manner.

(5) All employees engaged on site in the valet operation must comply with the requirements of this article and all applicable laws, statutes, ordinances, rules and regulations.

(6) The customer claim ticket shall identify the valet operator, correspondence address, and a phone number for questions and complaints. The print size

of the foregoing shall be at least equal to the largest size font used for any other information displayed on the ticket.

Sec. 26-231. Liability and insurance.

(a) As a condition to the issuance of the permit, a valet operator shall submit to city its agreement in writing to indemnify, hold harmless and defend the city, its representatives, employees, and elected and appointed officials, from and against all liability, claims, damages, suits, losses, and expenses of any kind, including reasonable attorney's fees and costs for appeal, associated with or arising out of or from the permit, the use of ROW or other public areas for valet operations or arising from any negligent act, omission or error of the valet operator, its agents or employees or from the failure of the valet operator, its agents or employees, to comply with each and every requirement of this article or with any other federal, state, or local traffic law or any combination of same.

(b) The valet operator shall provide and maintain such public liability and property damage insurance to protect the city from all claims and damage to property or bodily injury, including death, which may arise from valet operations. Such insurance, shall be provided from an insurance company with an A.M. Best rating of not less than "A" and a financial strength rating of not less than "VII," acceptable to the city's risk management division, and shall provide coverage of not less than one million dollars ($1,000,000.00) for bodily injury, and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing and shall name as additional insured the City of Fort Lauderdale, and city commission, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the permit period without thirty (30) days written notice to the city's risk management division and the director at the address shown in the permit. Additionally, the valet operator shall provide "garage keepers" legal liability insurance providing specified causes of loss coverage, collision coverage, and comprehensive coverage for vehicles under the control of the valet parking operator with a minimum of five hundred thousand dollars ($500,000.00) per location with a maximum self-insured retention (SIR) or deductible of one thousand dollars ($1,000.00).

(c) The operator shall provide proof of all required insurance prior to receiving a permit and upon each renewal thereafter.

Sec. 26-232. Temporary valet permit.

A temporary valet permit may be issued in any zoning district in the city at the discretion of the director subject to the following:

(a) An operator may apply for a temporary valet permit at the division on a form provided by the director no later than seven (7) days prior to the proposed special event, unless such application is for a declared emergency as provided in subsection (e) of this section.

(b) An application fee of twenty-five dollars ($25.00) shall be paid to the city when the application for a temporary valet permit is submitted.

(c) Temporary valet permits are restricted as follows:

(1) *Special event for non-residential use.*

a. No more than six (6) temporary valet permits will be issued for the same location within any twelve-month period.

b. Temporary permits for a special event shall be restricted to events lasting no longer than five (5) consecutive days.

c. The director may require, as a condition of the temporary valet permit, additional ramping, storage space or both when available, providing the additional space does not interfere with public parking needed for the general public.

(2) *Special event for residential use.*

a. Temporary valet permits in residential zoning districts shall be restricted to private functions lasting no longer than twenty-four (24) hours.

b. The director may require permit as a condition of the temporary valet permit, additional ramping, storage space or both, when available, providing it does not interfere with the public parking needed for residents.

c. If located within an area within a homeowners' association, applicant shall provide, at the time of application, evidence that the homeowners' association has been notified of the application for a temporary valet operation.

(3) *Emergency.*

a. A temporary permit may be issued when the city manager deems an emergency to exist. An emergency is defined as a situation or occurrence of a serious nature in which the provision of valet service would help protect the health, safety and welfare of the public.

b. Temporary permits issued for an emergency declared by the city manager are subject to the conditions stated on the permit.

All other terms and conditions of this article shall apply to temporary valet permits.

Sec. 26-233. Additional user.

(a) An existing valet permit ("existing valet permit") may be amended to permit an existing operator to serve an additional business or an additional user may be permitted to apply for and receive a valet permit for the same valet area already in use by a primary operator if the following conditions are met:

(1) The business that is proposed to be served by an existing operator or an additional user is within the same building as the business served under the existing valet permit or within one hundred (100) feet of the existing valet area; and

~~(2) The hours, dates or times for the valet operation of the existing operator or additional user does not conflict with or overlap the existing valet permit area. The additional user may use the valet area during hours of a day or night that are different than those used under an existing valet permit.~~

(~~3~~2) All other requirements and criteria for a valet permit are met by the additional user.

(b) An additional user will only be permitted to use a valet parking permit area that overlaps with the operation of a primary operator if the primary operator consents to an amendment of the existing valet permit to include a secondary user and the secondary user application meets all of the requirements of this article for a new valet parking permit.

Sec. 26-234. Temporary suspension of permits.

(a) A permit may be temporarily suspended by the director if the city engineer determines the portion of the ROW that is part of a valet operation pursuant to a permit needs to be free and clear of valet operations for a limited period of time because of an event that is expected to cause excess pedestrian or vehicular traffic or congestion at the valet operation location, or the ramping area must be utilized for public safety operations; or by a contractor or utility provider for necessary repairs to the street or structure adjacent to the ramping area. Written notice to the valet operator shall be provided within three (3) business days of

director's identification of the event. If the event is to be held or occur sooner than three (3) business days after the director identifies the event, parking services will make reasonable efforts to notify the valet operator at the contact phone number and/or email address shown on the permit application.

(b) The director or other city official may require the temporary removal or relocation of valet operation when street, sidewalk, or utility repairs necessitate such action. The division will provide a minimum of three (3) days' written notice to the operator except for emergency situations. In the event of an emergency, the parking services division or other city department will make reasonable efforts to notify the operator at the contact phone number and/or email address shown on the permit application.

(c) The fire rescue department or police department may immediately remove or relocate all or parts of the valet operations in emergency situations. The city and its officers and employees shall not be responsible for valet operation equipment relocated during emergencies. Officers of the police department, or such special officers as are assigned by the City of Fort Lauderdale, are hereby authorized to direct traffic, including drop-off and pick-up vehicles, as conditions may require, notwithstanding the provisions of this article or other applicable law.

(d) The valet operation will not be permitted to operate during times when the city is under a storm or hurricane warning once winds have reached forty-five (45) m.p.h. or the chief of police or chief of fire rescue, or their designees, deems that weather conditions create an unsafe environment for the valet operation. Applicant shall be responsible for removing valet equipment out of the ROW to a place indoors upon notice of a hurricane warning.

(e) If, in the sole determination of the city engineer or chief of police, the hiring of required detail officers or public safety personnel to direct traffic during the operation of the valet activities does not adequately address a threat to public safety, then the city engineer or chief of police, in the interest of protecting the public health, safety, and welfare, may order the termination of the valet parking service at a particular location until the threat to public safety is addressed or has ceased.

Sec. 26-235. Denial, revocation or suspension of permit; removal and storage fees; emergencies.

(a) The director may deny, revoke or suspend a permit for a valet operation if it is found that:

(1) Any required business permit has expired or been suspended, revoked or cancelled;
(2) The operator does not have the insurance in the minimum amount described in section 26-231
(3) The operator has failed to correct violations of this article or conditions of the permit within three (3) days of receipt of the director's notice of same delivered in writing to the operator by registered mail, return receipt requested to the last address provided by the operator to the division;
(4) The operator is found in violation of any provision of this article three (3) times within a one (1) year permit period; or
(5) The valet operation endangers the health, safety, or welfare of the public, including but not limited to interference with pedestrian or vehicular traffic or the use of any pole, sign, fire hydrant, traffic signal, or other public safety device, or when it is determined that any false statements or misrepresentation of facts were made in the application for permit.
(6) Any false statements or misrepresentation of facts were made in the application for permit, or
(7) The ramping space(s) are being used for purposes other than as permitted pursuant to the permit.

(b) The director shall notify the operator in writing when a permit is revoked. The notice to the operator shall include the effective date, the process by which the operator can appeal the revocation, and the specific reasons for the revocation.
(c) Valet equipment may be removed by the department and a reasonable fee charged for labor, transportation and storage, should the operator fail to remove said items within twenty-four (24) hours of receipt of director's notice of suspension or revocation of permit. Valet equipment that has been removed may be disposed of by the city after thirty (30) days if unclaimed.
(d) The director shall notify the operator in writing when valet equipment is removed by the city for any of the reasons provided in this article. The notice shall include the date of removal, an inventory of equipment removed, the charges for such removal, and the process by which the operator can claim their property.
(e) Any operator who had a permit revoked shall not be issued additional permits for a period of six (6) months.

Sec. 26-236. Appeals of application denial or suspension or revocation of permit.

(a) Appeal of the denial of an application for a permit or revocation of a permit must be initiated within ten (10) days of the effective date of the denial or revocation of permit. An appeal is initiated by applicant filing a written notice of appeal with the director. The appeal shall specify all reasons why the operator believes the permit should not have been denied or revoked.

(b) Upon timely receipt of a written notice to appeal, the department shall ~~place~~forward the appeal ~~on~~to the ~~next available regular~~city ~~commission~~ manager~~agenda and the operator will be notified of such meeting time, date and place~~, who shall set a meeting with the applicant within ten (10) business days.

(c) At the ~~hearing~~meeting the city ~~commission~~manager may modify, grant or deny the application, and the decision of the city ~~commission~~manager shall be final subject to appeal to the appropriate court of competent jurisdiction, according to the Florida Rules of Civil Procedure.

(d) The filing of a notice of appeal shall not stay an order by the director to revoke a permit and terminate the valet operation and remove valet equipment until final decision of the city commission.

Sec. 26-237. Penalties and enforcement.

Any person who operates or causes to be operated a valet operation in violation of any provision of this article shall be subject to enforcement and penalties pursuant to section 26-235, section 1-6 of the Code of Ordinances of the City of Fort Lauderdale or both.

Sec. 26-238. Reserved.

PASSED FIRST READING this the 2nd day of December, 2014.
PASSED SECOND READING this the 17th day of December, 2014.

_____
Mayor
JOHN P. "JACK" SEILER

ATTEST:

_____
City Clerk
JONDA K. JOSEPH

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