

CITY OF SANIBEL
ORDINANCE 22-008

AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 2, BEACH AREA PARKING RESTRICTIONS, SUBDIVISION I, IN GENERAL, SECTION 66-58, OFFICIAL PARKING ZONE MAP AND GENERAL PROHIBITION, SUBDIVISION II, PERMITS, SECTION 66-76, TYPES OF PERMITS, AND SECTION 66-85, FEES; HOURS; AND CHAPTER 74, WATERWAYS, ARTICLE III, BOAT RAMPS, SECTION 74-97, PARKING AND USE OF THE PARKING AREA ADJACENT TO THE CITY PUBLIC BOAT RAMP FACILITY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council wishes to amend the Code of Ordinances for use of the City's Public Boat Ramp Facility; and

WHEREAS, Section 66-58, Code of Ordinances, codifies the City's official parking zone map and general prohibition; and

WHEREAS, the updated official parking map, Exhibit A to this Ordinance, is to be adopted to reflect the revisions necessary to conform the map to amendments reflected in this Ordinance to Sections 66-58, 66-76, 66-85, and 74-97, Code of Ordinances; and

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. That Chapter 66, Article II, Division 2, Subdivision I and II, are hereby amended to read as follows, with additions indicated by underlining and deletions indicated by ~~strikethrough~~:

Chapter 66 – TRAFFIC

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ARTICLE II. – PARKING, STOPPING, AND STANDING

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DIVISION 2. – BEACH AREA PARKING RESTRICTIONS

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Subdivision I. – In General

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Sec. 66-58. Official parking zone map and general prohibition.

The official parking zone map, dated ~~February 8, 2021~~ September 1, 2022, the original of which is on file at City Hall and available for public inspection pursuant to F.S. ch. 119, is hereby adopted and incorporated in this section by reference as completely as if set out in full in this section. Those parking zones designated "residential" and ~~"restricted"~~ "non-residential" on the map are hereby declared to be for the exclusive permitted parking uses as set forth in this division. Parking of vehicles within such zones shall only be within the areas and spaces designated by the city manager. Parking of vehicles in all other public areas and rights-of-way within the city

corporate limits is prohibited unless otherwise designated by the city manager or otherwise provided for. A copy of the map and general zone description is on file in the city manager's office.

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Subdivision II. – Permits

Sec. 66-76. - Types of permits.

(a) Parking permits issued under this subdivision shall consist of the following:

- (1) *Residential parking permits.* A residential parking permit ("A" decal) shall be available to any vehicle owned by or leased to a city resident and/or Sanibel ad valorem taxpayer property owner. Subject to availability of space, it shall entitle the vehicle to which it is issued and upon which it is properly displayed to be parked in those zones designated residential, non-residential, restricted or general on the city's official parking zone map. A nonrefundable fee as established in section 66-85 shall be charged for each such permit.
- (2) *Non-Residential Restricted* parking permits. A non-residential restricted parking permit ("B" decal) shall be available to any vehicle owned by or leased to any persons. A non-residential restricted parking permit shall entitle the vehicle to which it is issued and upon which it is properly displayed to be parked in those zones designated non-residential restricted or general on the city's official parking zone map. A nonrefundable fee as established in section 66-85 shall be charged for each such permit.
- ~~(3) *General parking permits.* A general parking permit shall be available to any vehicle owned by or leased to any person. Subject to availability of space, a general parking permit shall entitle the vehicle to which it is issued and upon which it is properly displayed to be parked in those zones designated "General Parking—Paid" on the official parking map, in the parking lot for which the permit is issued for the duration of its issuance. A nonrefundable fee as established in section 66-85 shall be charged for each permit.~~
- ~~(34) *Residential Boat Ramp use and General parking permits at Gulfside City Park, the city public boat ramp facility parking lot and causeway parking lot.* A residential boat ramp general parking permit ("AC" decal) at Gulfside City Park, the city public boat ramp facility parking lot and causeway parking lot shall be available to any vehicle owned by or leased to a city resident and/or Sanibel ad valorem taxpayer property owner. any person. Subject to availability of space, it shall entitle the vehicle, to which it is issued and upon which it is properly displayed, to be parked at the city's boat ramp in those spaces designated vehicle and trailer parking and in those beach parking zones designated residential or non-residential on the city's official parking zone map (no trailers) with residential parking permits ("A" decal). A non-refundable fee as established in section 66-85 shall be charged for each permit. a general parking permit ("C" decal) at Gulfside City Park, the city public boat ramp facility parking lot and causeway parking lot shall entitle the vehicle to which it is issued and upon which it is properly displayed to be parked at Gulfside City Park, the city public boat ramp facility parking lot and causeway parking lot. A nonrefundable fee as established in section 66-85 shall be charged for each permit. All vehicles, including those to which residential or restricted parking permits have been issued, shall be charged the same fee for parking at Gulfside City Park, the city public boat ramp facility parking lot and causeway parking lot.~~

- (4) Non-Residential Boat Ramp parking permits. A non-residential boat ramp parking permit ("BC" decal) shall be available to any vehicle owned by or leased to any person. Subject to availability of space, it shall entitle the vehicle, to which it is issued and upon which it is properly displayed, to be parked at the city's boat ramp in those spaces designated vehicle and trailer parking, and in those beach parking zones designated residential or non-residential on the city's official parking zone map (no trailers) with non-residential parking permits ("B" decal). A non-refundable fee as established in section 66-85 shall be charged for each permit.
- (5) Day General parking permits at City Beach Parks. ~~Bowman's Beach Park.~~ A day general parking permit may be purchased through a city pay box or the city's internet pay application and at ~~Bowman's Beach Park~~ shall be available to any vehicle owned by or leased to any person. Subject to availability of space and upon paying a non-refundable fee as established in section 65-85, a ~~general parking permit at Bowman's Beach Park~~ it shall entitle the vehicle to which it has been issued and upon which it is properly displayed to be parked at the following locations: ~~Bowman's Beach Park.~~
- a) Blind Pass Beach Park;
 - b) Bowman's Beach Park;
 - c) Causeway Beach;
 - d) Gulfside City Park (Algiers);
 - e) Lighthouse Beach & Fishing Pier; and
 - f) Tarpon Bay Beach Park & Trost Parking Lot.

A non-refundable fee as established in section 66-85 shall be charged at an hourly rate. ~~for each permit. Vehicles displaying a current and valid permit issued by the city or county regional parks pass may park without charge.~~

- (6) Day use and parking permits at City Boat Ramp. A day use and parking permit may be purchased through a city pay box or the city's internet pay application at the city boat ramp and shall be available to any vehicle owner by or leased to any person. Subject to availability of space, and upon paying a non-refundable fee as established in section 66-85, it shall entitle the vehicle, to which it is issued and upon which it is properly displayed, to use the boat ramp to either launch or retrieve a watercraft and to be parked at the city's boat ramp in those spaces designated vehicle and trailer parking on weekdays and non-holidays only. Weekend and holiday parking at the city's boat ramp requires a residential boat ramp permit ("AC" decal) or a non-residential boat ramp permit ("BC" decal). The day use and parking permits for the city boat ramp on any Friday or the day before any holiday must remove their vehicle and trailer from the city boat ramp parking lot by 11:59 p.m. before the weekend or holiday begins.

For the purposes of this section, the weekend is defined as the period beginning at 12:00 a.m. on any Saturday and ending at 11:59 p.m. on any Sunday.

For the purposes of this section, holidays are defined at the period beginning at 12:00 a.m. on the holiday and ending at 11:59 p.m. on the holiday.

Holidays where day parking permits will not be available to the public include:

- a) New Year's Day

- b) Martin Luther King Day
- c) President's Day
- d) Memorial Day
- e) July 4th
- f) Labor Day
- g) Thanksgiving
- h) Day after Thanksgiving
- i) December 24th – Christmas Eve Day
- j) Christmas
- k) December 31st – New Year's Eve Day

(7) Lee County regional parks pass. Vehicles displaying a current and valid Lee County regional park pass may park without charge at Bowman's Beach Park in Sanibel and Turner Park in Captiva.

(8) Residential and non-residential parking permits and residential and non-residential boat ramp permits are issued annually and expire on November 30 of each year; none are prorated.

- (b) General parking shall be provided to all persons free of charge in those zones designated "General Parking—Free" on such map, subject to availability of parking space. No permit is necessary.
- (c) With respect to subsection (a)(1) above, in the event that a resident and/or Sanibel ad valorem taxpayer property owner does not own or lease the vehicle for which a parking permit is sought, the resident and/or Sanibel ad valorem taxpayer property owner may be issued such permit under the following conditions:
 - (1) The vehicle for which the permit is sought is under the sole control of the resident and/or Sanibel ad valorem taxpayer property owner and a sworn affidavit is provided to the Sanibel Police Chief, or his/her designee, attesting to such sole control and identifying the vehicle.
 - (2) The Sanibel Police Chief, or his/her designee, in the event the sworn affidavit is found to meet the requirements of this section, shall issue such parking permit conditioned upon the continued sole control of the vehicle by the applicant during the term of the permit.

Sec. 66-77. - Availability.

Resident and non-resident ~~restricted~~ parking permits shall be available for purchase at locations to be determined by the city manager. City Hall, 800 Dunlop Road, Sanibel, Florida, during regular working hours. The city manager may provide for availability of permits at other times and places, and may provide for issuance of permits by mail.

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Sec.66-85. - Fees; hours.

- (a) The following schedule shall constitute the parking permits schedule of fees:

(1) Resident beach park parking permits ("A" decal):

- a. Resident and/or Sanibel ad valorem taxpayer property owners parking permits ~~(;A: decals)~~.....\$14.00

- b. Full-time and part-time City of Sanibel employees and City of Sanibel retirees14.00
- (2) ~~Non-Resident beach park Restricted~~-parking permits ("B" decals):
- a. Non-resident and non-Sanibel ad valorem taxpayer property owners300.00
- (3) ~~City Boat Ramp use and Combination~~-parking permits:
- a. Resident ("AC" decals)113.00
- b. Nonresident ("BC" decals)399.00
- (4) ~~Day beach park General~~-parking permits ("pay and display" receipts):
- a. ~~Day General~~-parking permits, per hour or any fraction5.00
- b. ~~General parking at Gulfside City Park permits, per hour or any fraction5.00~~
- c. ~~General parking at Bowman's Beach Park permits, per hour or any fraction5.00~~
- d. ~~Resident and restricted parking permits issued shall not be pro-rated, except for a flat 25 percent pro-rated discount on restricted parking permits sold for the permit year ending November 30, 2021. Cost of permits will remain the same throughout.~~
- e. ~~General parking at Lighthouse Park facility permits, per hour or any fraction5.00~~
- bf. ~~Day General~~-parking or boat ramp use to launch or retrieve a watercraft at the public boat ramp facility located at 888 Sextant Drive, per day or any fraction~~40.00~~ 20.00
- g. ~~Transfer or re-issue (residential and restricted only)3.00~~
- (b) The fees set forth in this section for ~~day general~~-parking permits shall apply 24 hours per day for all city facilities with paid parking, including, without limitation, Blind Pass, boat ramp, Bowman's Beach, Causeway Beach, Gulfside City Park (Algiers), Lighthouse Beach and fishing pier, and Trost parking lot facilities.
- (c) Civil penalty
- 1) Boat ramp – unauthorized parking, no meter receipt.....250.00
- 2) All other facilities.....150.00
- (d) It is unlawful for any vehicle to park in unauthorized locations or without the appropriate parking permit. The driver and the owner of the vehicle in violation of this section shall be subject to the penalty set forth in subsection (c) above. If the vehicle in violation of this section is parked in an authorized location and the sole violation is an expired permit and payment is received within 14 calendar days from the date the ticket is written, a discount of \$50.00 will be granted, ~~and the civil penalty shall be \$100.00.~~
- (e) Each citation issued for a violation shall advise that the court shall assess an additional charge of \$40.00 in court costs against the defendant pursuant to F.S. § 34.045(1)(b), in the event that the court finds a defendant in violation of this section.
- (f) It shall be unlawful and a violation of this section to provide false information or to make misrepresentations of residency, taxpayer status or any other matter in order to obtain, or attempt to obtain, a parking permit or decal as required by the ordinance from which this section derives. Any such violation shall be subject to the penalty and shall be prosecuted in accordance with the provisions of subsections 1-15(a) through (g) of the Sanibel Code of Ordinances.

(g) For purposes of efficient administration in increasing and charging fees pursuant to subsections (a)(1)—(34) of this section, the following rules shall be used in calculating the fee increases. Commencing with the 2021-2022 fiscal year, and for each fiscal year of the city thereafter, all fees set forth subsections (a)(1)—(34) of this section shall be automatically increased by a percentage amount equal to the prior 12 month average of the Consumer Price Index For All Items For South Urban Consumers, as published monthly by the Bureau of Labor Statistics, United States Department of Labor. In the event the immediately preceding 12 months of the Consumer Price Index are not available, the last 12 published and available months of the Consumer Price Index shall be used to determine the average monthly percentage increase. The new fees for each fiscal year, as increased pursuant to this section, shall be effective commencing October 1 of each such fiscal year and the increased fees shall be adopted by resolution of the city council and available from the city clerk and city police department.

- (1) For any fee between \$10.00 and \$99.99 prior to the applicable fiscal year increase, the increased fee, if ending in a fraction of \$0.25, shall be rounded to the next highest \$0.25; provided, however, that the minimum increase of any such fee shall be \$0.25; and
- (2) For any fee of \$100.00 or more prior to the applicable fiscal year increase, the increased fee, if ending in a fraction of \$1.00, shall be rounded to the next highest \$1.00; provided, however, that the minimum increase of any such fee shall be \$1.00.

SECTION 2. That Chapter 74, Waterways, Article III, boat ramps, Section 97, parking and use of the parking area adjacent to the city public boat ramp facility, is hereby amended to read as follows, with additions indicated by underlining and deletions indicated by ~~strikethrough~~:

Chapter 74 – WATERWAYS

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ARTICLE III. – BOAT RAMPS

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Sec. 74-97. - Parking and use of the parking area adjacent to the city public boat ramp facility.

- (a) It is unlawful and prohibited for any person to do any of the following at, or in conjunction with, the parking area, consisting of two lots located on the east side of Causeway Road adjacent to the city public boat ramp facility:
 - (1) Use the parking areas for any commercial purpose, or in furtherance of any commercial purpose, except for the limited purpose of parking while launching or retrieving noncommercial vessels and the performing of emergency repairs to vessels for a period of time not to exceed two hours.
 - (2) Use the parking areas for the picking up or dropping off of passengers in conjunction with any commercial use of the parking lot or the public boat ramp facility.
 - (3) Park any motor vehicle for purposes other than the launching or retrieval of vessels or access to the recreational area at the waterfront.

- (4) Park commercial motor vehicles or trucks consisting of truck tractors, trailers, or both.
 - (5) Park any motor vehicle or trailer, including a ~~watercraft boat~~ trailer, or any ~~watercraft vessel~~, which does not contain a valid and current license plate and tag.
 - (6) Park or leave any trailer, including a ~~watercraft boat~~ trailer, which is not attached to a motor vehicle, between the hours of midnight to 6:00 a.m.
 - (7) Park or leave any ~~watercraft vessel~~ which is not upon a ~~watercraft boat~~ trailer or other appropriate trailer.
 - (8) Park or leave any motor vehicle, trailer, or ~~watercraft vessel~~ more than 72 consecutive hours, unless upon a showing of good cause, prior arrangements have been made with the city manager.
 - (9) Park in an area designated as a no parking area, or an area restricted for parking of certain types of vehicles, or an area designated for handicap parking.
 - (10) Solicit or advertise commercial activity in the parking areas.
 - (11) Solicit or advertise elsewhere in the city for commercial activity in the parking areas.
 - (12) Clean fish or deposit fish, fish parts, or other marine animals or parts.
- (b) The city manager is authorized and directed to post signage at the parking areas which is consistent with this section. Such signage shall include designation of places for parking, for parking of certain types of vehicles, for handicapped parking, and areas where parking is prohibited.
- (c) Violation of any of the prohibitions contained in this section shall subject the violator to the following penalties:
- (1) A civil penalty of ~~\$250.00~~ ~~\$35.00~~, provided the penalty is paid within five working days after the issuance of the ticket. Upon failure to pay the civil penalty in a timely manner and in the prescribed amount, or upon a court hearing request, the ticket may be referred to county court for further action pursuant to, and in accordance with, penalties provided in F.S. § 316.1967.
 - (2) In addition to any of the provisions of subsection (c)(1) of this section, the city may impound such motor vehicle, trailer, or ~~watercraft vessel~~ in accordance with chapter 66, article VI.

SECTION 3. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining

portion or application hereof.

SECTION 5. Effective Date. This Ordinance shall be effective immediately upon adoption.


APPROVED AT FIRST READING THIS 1ST DAY OF NOVEMBER 2022.

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 1ST DAY OF DECEMBER 2022.

Attest:



Scotty Lynn Kelly, City Clerk



Holly D. Smith, Mayor

Approved as to form and legality:



John D. Agnew, City Attorney

Date filed with City Clerk: 12/6/22

Vote of Council Members:

Smith	<u>Yea</u>
Johnson	<u>Yea</u>
Crater	<u>Yea</u>
Henshaw	<u>Yea</u>
Miller	<u>Yea</u>

First Reading: November 1, 2022
Publication: November 21, 2022
Second Reading: December 6, 2022

EXHIBIT A

