

CITY OF HOLMES BEACH

ORDINANCE NO. 21 - 10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLMES BEACH, FLORIDA, AMENDING CHAPTER 62 (TRAFFIC AND VEHICLES), ARTICLE II (STOPPING, STANDING AND PARKING), SECTION 62-35 OF THE CODE OF ORDINANCES TO AUTHORIZE THE IMPOSITION OF ADMINISTRATIVE FEES FOR PARKING VIOLATIONS, TO ADJUST THE LATE PAYMENT PENALTY PROVISION, AND TO CLARIFY THE APPEALS PROCESS FOR CONTESTING PARKING CITATIONS; AND PROVIDING FOR SEVERABILITY, CONFLICTING ORDINANCES, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holmes Beach recently updated the schedule of fines for parking violations contained in Section 62-35 of the Code of Ordinances by enactment Ordinance No. 20-15; and

WHEREAS, the City Commission determined that the City, as a tourist destination, has thousands of visitors every year, and during vacation season, the streets, bike lanes, sidewalks, parking lots, and other public areas are congested and present challenges in protecting the health, safety, and welfare of residents, visitors, and business owners; and

WHEREAS, the City Commission has also determined that it is necessary to modernize the parking ticket collection process and to engage a private company that provides an online platform for the payment and collection process; and

WHEREAS, this Ordinance is being passed to authorize and require the payment of an administrative fee by the violator to cover the cost of having a private company process the payment of tickets, to clarify the amount payable as a late penalty for those violators who do not pay their tickets by the deadline, and to clarify the appeal process for a violator who chooses to contest a ticket; and

WHEREAS, Article VIII, Section 2, of the Florida Constitution and Section 166.021(1), *Florida Statutes*, provide that a municipality may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 316.008, *Florida Statutes*, authorizes the City to adopt ordinances regulating the parking, standing, or stopping of motor vehicles within the City.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Holmes Beach, Florida, as follows:

SECTION 1. Findings of Fact: The above "whereas" clauses are adopted herein as findings of fact.

SECTION 2. Section 62-35 Amended: Section 62-35 of the Code of Ordinances of the City of Holmes Beach is amended to read as follows with the addition of the underlined provisions and the deletion of the stricken provisions set forth in this Section:

Sec. 62-35. - Schedule of fines.

- (a) Penalties for violation of the terms of this article shall be in accordance with the provisions of F.S. Chs. 316 and 318; provided in the case of uncontested parking violations, the city shall charge the below-listed fines as an alternate form of enforcement:
- (1) Unlawful parking in a handicapped zone \$250.00
 - (2) All other parking violations \$75.00
 - (3) Unlawful parking using a fraudulently obtained or used "parking by permit only" permit required by this article \$250.00
 - (4) Unlawful parking in a Purple Heart designated parking space as defined by state law \$250.00
 - (5) Blocking or impeding emergency vehicle access points to the Gulf of Mexico beaches \$250.00
 - (6) ~~Late penalty if not paid or postmarked within ten days of issuance \$15.00~~ Payment of a ticket for a parking violation shall be made within 10 days of issuance of the ticket. A late payment penalty shall be imposed in accordance with the following schedule:
 - (A) after 10 days but before 30 days: \$15.00.
 - (B) from 30 days but before 60 days: \$40.00.
 - (C) from 60 days and thereafter: \$90.00.
 - (7) The late penalty fee set forth in subsection (6) shall not apply if a person to whom a ticket has been issued exercises his or her right to appeal the ticket to the special magistrate as provided in section 62-42 and the appeal has been filed in a timely manner. If the special magistrate upholds the issuance of the ticket, the special magistrate shall have the authority to set the fine and costs as provided in section 62-42.
- (b) The city commission is hereby authorized to amend these fees by resolution, duly passed, as may be deemed necessary from time to time. The city commission is hereby authorized to require the payment of an administrative fee imposed on the violator or the owner of the vehicle for the payment of a parking ticket through a parking citation management system operated by the City or a third-party agency or company. The administrative fee shall be set by resolution passed by the city commission and may be adjusted by the city commission by resolution from time to time.

SECTION 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase in this Ordinance is held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions of this Ordinance.

SECTION 4. Conflicting Ordinances and Resolutions. Any section or provision in the City's Code of Ordinances or any resolution passed that conflicts with the provisions of this Ordinance is hereby superseded.

SECTION 5. Effective Date. This Ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Holmes Beach.

PASSED AND ADOPTED, by the City Commission of the City of Holmes Beach, Florida, in regular session assembled, this 23rd day of March, 2021.

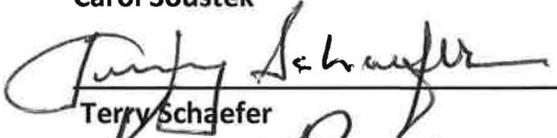
First Reading: 3-9-21

Publication Date: 3-14-21

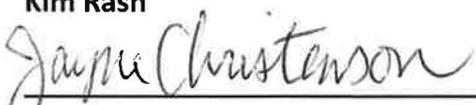
Second Reading and Public Hearing Date: 3-23-21


Jim Kihm


Carol Soustek


Terry Schaefer


Kim Rash


Jayne Christenson

APPROVED BY ME THIS 24th DAY OF March, 2021.


Judy Titsworth, Mayor

ATTEST: 
Stacey Johnston, MMC, City Clerk