

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, CREATING A NEW ARTICLE III, CHAPTER 19 INDIAN HARBOUR BEACH CITY CODE, TO BE ENTITLED "BEACH PARKING FEE PROGRAM"; PROVIDING INTENT; ESTABLISHING A BEACH PARKING FEE PROGRAM; ESTABLISHING A RESTRICTED BEACH PARK AND ACCESS MAINTENANCE FUND; PROVIDING FOR THE SELECTION OF A THIRD-PARTY VENDOR TO MANAGE THE PROGRAM; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE

WHEREAS, the City of Indian Harbour Beach recognizes the importance of public access to the beach, and as a result, provides public beach accesses and parks for both residents and non-residents to enjoy; and

WHEREAS, as the County and surrounding regions continue to grow, the use of the parks and beach accesses have increased substantially and continue to grow; and

WHEREAS, the City of Indian Harbour Beach property owners currently provide the sole source of revenue for the City's improvement, maintenance, and operation of the its beach parks and accesses through the payment of property taxes; and,

WHEREAS, the City of Indian Harbour Beach currently owns and operates two beach parks identified as Bicentennial Beach Park and Millennium Beach Park, and has solely improved, maintained, and operated these beach parks for over 25 years; and

WHEREAS, the City has designed a Beach Parking Fee Program recognizing that City residents already pay for beach park and access maintenance and operation with their taxes and non-residents should share in the cost of maintaining and operating the City's beach accesses and parks.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The foregoing recitations are true and correct and by this reference incorporated herein.

SECTION 2. A new Article III to Ch. 19, Indian Harbour Beach City Code, is created to read as follows:

“ARTICLE III. BEACH PARKING FEE PROGRAM REGULATIONS

Division 1. General

Sec.19-37.- Purpose and Objectives; Definitions

(a). The purpose of this Ordinance is to provide a dedicated revenue source to provide partial funding for the maintenance, repair, and operation of the City's beach parks and accesses identified

herein. The revenue source will be derived from parking fees at the beach accesses and parks that are within the City limits of the City of Indian Harbour Beach. In order to further this objective, this Ordinance includes provisions to establish the parking fee structure, the creation of a Restricted Fund within the City's Annual Budget, and the regulations for the use of a third party to manage the program.

(b). 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:

Motor vehicle or vehicle means any self-propelled vehicle not operated upon rails or a guideway, but not including any bicycle or moped, as defined in F.S. § 316.003.

Registered owner means a person who holds the legal title of a vehicle, or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a lienor of a vehicle is entitled to possession, then such conditional vendee, or lessee, or lienor shall be deemed the registered owner, for the purpose of this article.

Vendor shall mean the third-party entity awarded the contract to manage the city's beach parking fee program

Division 2. Beach Parking Fee Structure

Sec.19-36 – Daily Parking Rates

(a) The following Daily Parking Rates are established for all parking located at the City's beach accesses and park:

(1) \$3.00 per hour; or

(2) \$15 all-day rate

Sec.19-37 -Annual Pass Rates

(a) All City residents shall be eligible to obtain an Annual Pass, which will allow parking at all beach accesses and beach parking areas without being required to pay the daily parking rates provided in Section 19-36.

(1) The Annual Pass Rate is \$0.00 per year for residents of the City of Indian Harbour Beach for all beach accesses, shall be made available throughout the year, and shall exempt the assigned vehicle from hourly/daily rates for a period of up to one year.

(b) Non-residents shall not be eligible to obtain an Annual Pass.

Sec.19-38 – General.

(a) There is hereby established a Beach Park and Maintenance Fund within the City's Annual Budget and Accounting System for the deposit of all fees collected pursuant to this Article. All

revenues derived from the Daily Parking Rates and the Annual Pass Rates, if any, shall be placed in the Beach Parking and Access Maintenance Fund.

(b) The expenditures of all revenues placed into the Beach Parking and Maintenance Fund shall be limited to the following:

1. Capital projects relating to the improvement, maintenance, and repair of the beach parks and accesses;
2. Operational costs for the daily maintenance and management of the parks, accesses, and beaches, including supplies, staffing, utilities, and public safety; and
3. Operational costs for the management of the Beach Parking Fee Program, including any third-party vendor fees and charges.

(c) The City may, at its sole and absolute discretion, place additional revenues from unrestricted budgeted funds and grant funds into the Beach Park and Access Maintenance Fund to meet expenditure needs, if necessary.

(d) Only annual pass(es) shall be issued per household listed in the annual pass application.

(e) Annual passes are not transferrable and are issued and assigned to specific vehicles identified in the annual pass application. Any annual parking pass attached to an unauthorized vehicle will be canceled and the violator will be subject to the fine as outlined in Sec. 19-40.

Sec. 19-39 – Beach Parking Fee Program Management.

(a) The City shall select a third-party Vendor to manage the Beach Parking Fee Program.

(b) The Vendor shall be responsible for providing the fee collection process and software system which shall provide the following services:

1. Collect and pay the City daily parking fees at the parking areas designated by the City using a “pay by plate” technology;
2. Program to allow for the exemption of Annual Pass holders from paying daily parking rates;
3. Provide monthly collection reports to the City for auditing and accounting purposes;
4. Provide all necessary signage, kiosks, and other infrastructure at its sole cost at each beach parking area. The City shall approve all signage before they are put in place;
5. Provide for customer service needs to parking users;
6. Provide a method to apply for and receive annual passes/permits online or by other means;
7. Provide a method for paying fines;
8. Provide a method to and shall notify the Florida Department of Motor Vehicle to place registration holds in accordance with State Law

(c) The Vendor shall also be responsible for parking fee enforcement as outlined in Sec. 19-40.

Sec. 19-40-Beach Parking Fee Program Enforcement

(a) The third-party vendor selected for the Beach Parking Fee Program management shall also be responsible for parking fee enforcement as established by the contract with the City.

(b) Parking fee enforcement shall only be through the use of fines as follows: The registered owner of the vehicle illegally parked will be charged the \$15.00 all-day parking fee plus a \$50 fine per violation which shall increase to a \$100 fine if unpaid after 14 days.

(c) The City shall not use vehicle impoundment devices or towing for enforcement.

SECTION 3. SEVERABILITY CLAUSE. In the event a court of competent jurisdiction shall hold or determine that any part of this Ordinance is invalid or unconstitutional, the remainder of

the Ordinance shall not be affected and it will be presumed that the City Council for the City of Indian Harbour Beach did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without said invalid and unconstitutional provision thereby causing said remainder to remain in full force and effect.

SECTION 4. REPEAL OF INCONSISTENT PROVISIONS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

SECTION 6. This Ordinance was duly passed on first reading at a regular meeting of the City Council on the 19th day of November, 2024, and adopted on the second and final reading at the regular meeting of the City Council on the 10th day of December, 2024.

X

Scott Nickle
Mayor

ATTEST:

X

Sue Frank, MMC
City Clerk