

ORDINANCE NO. 29-20-2383

An Ordinance amending the City of South Miami Code of Ordinances Chapter 15A Titled "Parking Meters" by repealing all of the parking regulation of Chapter 15A and substantially updating those parking regulations.

WHEREAS, the City of South Miami in 1963 established Chapter 15A, Parking Meters, within the City's Code of Ordinance; and

WHEREAS, since that time there have been four revisions; one related to providing an exemption for disabled veterans and disabled persons (1971), two related to establishing penalties for extended parking (1975) and overtime and improper parking (1978), and the last in 2019 establishing electric vehicle off-street parking improvements, requirements, and regulations; and

WHEREAS, much of the Chapter 15A remains the same from what was adopted in 1963 and is substantially outdated; and

WHEREAS, the proposed Ordinance serves to update Chapter 15A, Parking Meters, and bring it into compliance with how the City's current Parking Program operates, including the technological advances that have occurred since inception; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1. The foregoing recitals are hereby ratified and incorporated by reference as if fully set forth herein and as the legislative intent of this Ordinance.

Section 2: Chapter 15A, of the Code of Ordinances, City of South Miami, Florida, is hereby amended and will read as follows:

Chapter 15A - PARKING METERS.

~~Sec. 15A-1. City manager to establish zones, install meters, set fines.~~

~~The city manager is hereby vested with the authority to establish zones in the offstreet parking lots and parking facilities owned or operated by the city, such zones to be known as parking meter zones; in such parking meter zones, the city manager shall install or cause to be installed parking meters and designate parking meter spaces, and to fix the time limitations for parking in such zones and parking meter spaces.~~

~~Sec. 15A-2. Location, construction of meters.~~

~~Meters installed in parking meter zones in the city shall be placed at the curb immediately adjacent to the individual parking spaces herein described. Each parking meter shall be placed or set in such a manner as to indicate by signal that the parking space~~

~~adjacent to such meter shall or shall not be legally in use. Each parking meter shall be installed and set to display, upon the deposit of one or more designated coins in United States currency therein, a signal indicating legal parking for that period of time conforming to the limit of parking which has been or may be established for that particular area or zone of the pavement on which said parking meter is installed. Each meter shall also be so arranged that upon the expiration of the legal parking time, the meter shall indicate by a mechanical operation and a display of the proper signal that the lawful parking period has expired.~~

~~Sec. 15A-3. City manager to mark spaces; parking within spaces; maximum vehicle length.~~

~~The city manager shall cause to have painted or placed in the city, lines or markings upon the curb or upon the pavement adjacent to each parking meter for the purpose of designating the parking space for which said meter is to be used, and any vehicle parked alongside of or next to any parking meter shall park within the lines or markings so established. It shall be unlawful to park any vehicle across any such line or marking, or to park any vehicle the overall length of which exceeds twenty feet, in any parking meter parking space.~~

~~Sec. 15A-4. Manner of parking.~~

~~Whenever any parking space in any parking meter zone in the city shall be parallel with the adjacent curb or sidewalk, any vehicle parked in said parking space shall be parked in such manner that the foremost portion of such vehicle shall be alongside of and nearest to the parking meter; when parking space in any parking meter zone shall be diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost portion of such vehicle directed at and nearest to such meter.~~

~~Sec. 15A-5. Deposit of coins required; overtime parking; hours of meter operation.~~

~~When any vehicle shall be parked in any space alongside of or next to any space in the city in which a parking meter is located, the operator of such vehicle shall immediately, upon entering the said parking space, deposit or cause to be deposited in such parking meter a coin or coins in United States currency, in such denomination as described on the parking meter and the parking space may then be lawfully occupied by such vehicle during the period of parking time which has been prescribed for that portion of the pavement in which the parking space is located. If any vehicle shall remain parked in any parking meter space beyond the parking time limit fixed for such space, the parking meter shall display a sign or signal indicating illegal parking, and in that event such vehicle shall be considered to have parked overtime and in excess of the period of legal parking time. The parking of said vehicle overtime or beyond the period of legal parking time in any such portion of the pavement where such meter is located shall be unlawful. It is hereby provided, however,~~

~~that the placing of coins in parking meters shall not be required on Sundays nor between the hours of six o'clock p.m. and seven o'clock a.m., unless otherwise indicated on such meters, or otherwise indicated by appropriate signs.~~

~~Sec. 15A-6. Extending time prohibited.~~

~~It shall be unlawful for any person to deposit or cause to be deposited in any parking meter in the city any coin for the purpose of enlarging or extending the parking time for any vehicle beyond that legal parking time which has been established for the parking space immediately adjacent to which such parking meter shall have been placed.~~

~~Sec. 15A-7. Slugs prohibited.~~

~~It shall be unlawful to deposit or cause to be deposited in any parking meter in this city any slug, device or metallic substitute for United States coin.~~

~~Sec. 15A-8. Damaging, tampering with meters.~~

~~It shall be unlawful for any person to deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this chapter.~~

~~Sec. 15A-9. Disposition of receipts.~~

~~All coins required to be deposited in parking meters as provided herein are hereby levied and assessed as fees to provide for the proper regulation and control of traffic, upon the public pavements, and to cover the cost of the supervision, inspection, installation, operation, maintenance, control and use of the parking spaces and parking meters described herein, together with the cost of supervising and regulating the parking of vehicles in the parking meter zones created.~~

~~Sec. 15A-10. Police to enforce chapter.~~

~~It shall be the duty of the police officers of this city to enforce the provisions of this chapter and they are hereby vested with all power and authority necessary for the enforcement thereof.~~

~~Sec. 15A-11. Summons for violations.~~

~~Any person violating any of the provisions of this chapter may be served with a summons for such violation as hereinafter provided. The summons as used herein shall be a written notice issued and served by city police officers to a person who shall be ordered thereby to personally appear at police headquarters at a specified time to answer to a violation of the chapter stated thereon and to make satisfaction for such charge by paying~~

~~a prescribed penalty fine or by having such charge transferred to the municipal court docket for a hearing on such charge in municipal court. The summons herein provided for shall have written thereon, the offense, time, place, license tag number, description of the vehicle, the name and address of the offender if known, and such other information as the chief of police deems necessary, together with instructions to appear at police headquarters not later than the time specified hereon.~~

~~Sec. 15A-12. Failure to answer summons.~~

~~Any person who has been served with a summons and who shall fail to appear at police headquarters within the time specified in such summons may be arrested forthwith and tried in municipal court and shall be subject to the penalty herein prescribed for the violation charged for such summons, together with any additional costs.~~

~~Sec. 15A-13. Parking in violation of chapter 15; exemption to disabled veterans and disabled persons.~~

~~It shall be unlawful for any person to countenance, cause, permit, or suffer any vehicle registered in his name to stop, stand or park in any metered parking zone in violation of any of the provisions of this chapter; provided, however, that any motor vehicle owned by a disabled veteran bearing a "DV" motor vehicle license plate issued pursuant to Section 320.084 Florida Statutes while being operated by the disabled veteran to whom such plate was issued; and, any disabled person who has received such designation of disability from the State of Florida Department of Motor Vehicles, may park in metered parking spaces without payment of the parking fee required by this chapter, for the lawful period provided for such metered parking space.~~

~~Sec. 15A-14. Police and clerks may accept fines.~~

~~Police officers and clerks of this city, upon authorization, may accept, in behalf of the city, penalty fines, as described by this chapter. All such officers or clerks shall issue official city receipts and deliver a receipt to all persons paying such fine.~~

~~Sec. 15A-15. Penalty unless otherwise provided.~~

~~Unless another penalty is expressly provided herein, every person found guilty of a violation of any provision of this chapter may be punished by imprisonment and/or fine, not in excess of the punishment provided for in the city charter.~~

~~Sec. 15A-16. Penalty for overtime and improper parking.~~

~~The following scale of penalties is hereby fixed for traffic violations listed in this section for first, second or third offenses, respectively, when such person charged with a violation shall appear at police headquarters and plead guilty to the charge; provided, however, that~~

~~the city may refuse to accept the payment of the fine under the provisions of this section for any violation set forth herein, for which a summons shall have been issued and may require the offender to appear in the municipal court for trial on such violations:~~

<i>Section</i>	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>
15A-3 and 15A-13			
Overparking	\$3.15	\$5.25	\$7.35
15A-4 and 15A-5			
Improper parking	4.20	7.35	16.60
15A-6			
Extended parking	4.20	7.35	12.60

~~(The above penalties include the five (5) per cent surcharge provided for by Section 960.25 of the Florida Statutes.)~~

~~Sec. 15A-17. Penalty for misuse of parking spaces designated for electric vehicle charging.~~

~~(1) No person shall stop, stand, or park a vehicle within any parking space designated for charging of electric vehicles where charging equipment has been installed, or otherwise block access to such parking space, unless that vehicle is connected to and charging from electric vehicle supply equipment, as defined in section 20 4.4(G)(1), provided, however, that this restriction shall not apply to any person who makes use of an EVSE space that is in addition to the number of ESVE spaces required by this section and that is specifically assigned to, or wholly owned by, that person; or~~

~~(a) Whenever a parking enforcement officer is invited onto private property by a person who resides on that property and who complains to the officer of a vehicle that is stopped, standing or parked within, or otherwise blocking access to, an ESVE space on that property and if the officer finds a vehicle in violation of this section, the officer shall:~~

~~(i) Allow the vehicle owner, the land owner or the operator, if present at that time, the choice of voluntarily relocating the vehicle to any lawful parking space or facility, and if not immediately removed, the officer shall have the vehicle relocated to such a place by having the vehicle towed by involuntary means such as towing. Whenever a vehicle is relocated, any cost of such relocation shall be charged to the registered owner of the vehicle, and if~~

~~allowable by law, a lien may be placed on the vehicle if the fine is not paid within thirty (30) days of the issuance of the parking citation; and~~

~~(ii) Issue a parking citation to the registered owner of the vehicle.~~

~~(2) Whenever evidence shall be presented in any court or before any local hearing officer, magistrate or special master of the fact that a vehicle was found to be parked in violation of this section, it shall be prima facie evidence that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered according to the records of the Florida Department of Highway Safety and Motor Vehicles.~~

~~(3) Violators of this section shall be prosecuted in the same manner as other parking violations. The fine for this parking violation, in accordance with F.S. § 316.1945, is the maximum fine for a non-moving traffic violation pursuant to F.S. ch. 318.~~

Sec. 15A-1. - City Manager to establish zones, install meters, and establish enforcement areas.

The City Manager may establish Parking Meter Zones. In all Parking Meter Zones in which the Parking Meter Space is owned or operated by the City, the City Manager may install or cause to be installed Parking Meters and designate Parking Meter Spaces, and to fix the time limitations for parking in such zones. The City Manager also has the authority to establish Parking Meter Zones on private property, with the owner's permission, in off-street parking lots and facilities that are open to vehicular travel by everyone in the general public. Nothing contained herein may restrict the City's right to enforce all state traffic laws and state, County and City parking laws on private property that is open to vehicular traffic by everyone in the general public.

Sec. 15A-2. -Definitions; Notice of violation; payment of penalty.

(1) Definitions: The following definitions are to be used for the interpretation of this Chapter:

Parking Meter means one or more mechanical or electronic device that accepts United States currency in exchange for the right to use a Parking Meter Space for a set amount of time, and they include, but are not limited to pay stations and traditional parking meters.

Parking Meter Space means a space on a right of way, public property, or Quasi-Public Property that is design for parking and that is open for traffic by vehicles owned or operated equally by all members of the general public.

Parking Meter Zone means residential and commercial areas in the City designated by the City Manager that are owned or operated by the City or operated on Quasi-public Property for parking, including parking lots and parking facilities.

Quasi-public Property means private property that is open for vehicular use by everyone in the general public.

(2) Citation for violations of this Chapter and of Chapter 30 of Miami-Dade County Code of Ordinances are to be issued by the City's Parking and Code Enforcement Officers as defined in Section 2-25(b)(1). Each citation must include the following information:

(a) The location of the vehicle or, in the case of a parking violation in a Parking Meter Space, the identifying number of the mechanical parking meter, or the number that designates the location of the parking space, where the violation occurred.

(b) A description of the nature of the violation and the relevant section of Chapter 30 of Miami-Dade County's Code of Ordinances, and if applicable, the section of this Chapter, that was violated.

(c) The license plate number of the vehicle involved in the violation and the state that issued the license plate.

(d) The date and time at which the vehicle was found to be in violation of the applicable law.

(e) Penalty amount specified in Section 30-388.32 of Miami-Dade County Code of Ordinances and, if applicable, the fine set forth in the City's Schedule of Fees and Fines.

(f) Any other facts, acknowledgement of which is necessary to a thorough understanding of the circumstances attending such violation.

(3) Each parking enforcement officer must also attach to such vehicle a notice to the owner thereof that such vehicle has been parked in violation of a provision of Chapter 30 of the Miami-Dade County Code of Ordinance, and this Chapter if applicable.

(4) The City Manager may in sole discretion administratively void a parking violation upon a showing of good cause. Good cause may include but is not limited to confirmation by substantial competent evidence of a meter malfunction, medical emergency, mechanical breakdown, or vehicle exemption.

Sec. 15A-3. - City Manager to mark spaces; parking within spaces; maximum vehicle length.

The City Manager may cause to have painted or placed in the City, lines or markings upon the curb or upon the pavement adjacent to each Parking Meter for the purpose of designating the parking space for which said meter is to be used, and all vehicle must park within the lines or markings so established. It is unlawful to park any vehicle across any such line or marking, or to park any vehicle the overall length of which exceeds twenty feet, in any Parking Meter Space unless it is a qualifying vehicles parked in an on-street loading area designated for on-street loading and unloading.

Sec. 15A-4. - Manner of parking.

(1) A vehicle in the City's right of way may only be stopped or parked in a Parking Meter Zone. If the Parking Meter Zone provides parking spaces that are parallel to the curb or roadway, a vehicle may only be stopped or parked parallel to the curb or edge of the roadway within the parking space markings, in the direction of authorized traffic movement, and with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway and the left-hand side of the vehicle must not impede the flow of traffic.

(2) If the Parking Meter Zone is marked with diagonal parking space lines, a vehicle parked in such parking space must be parked with the front of such vehicle facing the curb and nearest to such meter.

Sec. 15A-5. - Deposit of currency required; overtime parking; hours of meter operation.

When any vehicle is moved into any space that has a mechanical parking meter associated with it or that has been assigned a parking space number, the operator of such vehicle must immediately, after the vehicle enters the Parking Meter Space, deposit or cause to be deposited in such Parking Meter United States currency, or insert or provide a valid credit card and be charged, in such amount as described on the Parking Meter for the time that the vehicle remains in the Parking Meter Space. It is a violation of this Chapter for a vehicle to be in a Parking Meter Space if the appropriate amount has not been paid or for remaining in the space beyond the parking time for which payment has been made or beyond the time limit fixed for such space.

Sec. 15A-6. - Extending time prohibited.

It is unlawful for any person to deposit or cause to be deposited in any Parking Meter in the City any cash or credit card for the purpose of enlarging or extending the parking time for any vehicle beyond the limitation on total legal parking time which has been posted on the Parking Meter or location signage.

Sec. 15A-7. - Slugs and other non-currency prohibited.

It is unlawful to deposit or cause to be deposited in any Parking Meter in this City anything other than a valid credit card or United States currency or to stop payment on a credit card that was used to pay for parking.

Sec. 15A-8. - Damaging, tampering with meters.

It is unlawful for any person to deface, tamper with, open or willfully break, damage, destroy or impair the usefulness of any Parking Meter installed under the provisions of this Chapter.

Sec. 15A-9. - Parking and Code Enforcement Officer to enforce Miami-Dade County Chapter 30.

It is the duty of the police officers and Parking Enforcement Officers of this City to enforce the provisions of Chapter 30 of the Miami-Dade County Code of Ordinances and this Chapter and they are hereby vested with all power and authority necessary for the enforcement thereof.

Sec. 15A-10. - Parking Meter bags and permits.

(1) The City Manager or designee has the authority to issue parking meter bags or permits for the purpose of temporarily closing or restricting use of public Parking Meter Space.

(2) Fees for use of public Parking Meter Space may be established in the schedule of fees adopted by the City Commission.

(3) It is illegal for any person to park a vehicle in violations of the terms or conditions under which a parking meter bag or permit is issued.

(4) No person may fraudulently procure, alter or wrongfully utilize a bag or permit issued.

Sec. 15A-11. – Privately Owned Parking Signage and other requirements.

All privately owned parking lots and facilities must comply with the following requirements:

(1) All pay stations and signage for surface parking lots and parking facilities must be noticeably different in color, shape and markings than City pay stations.

(2) All parking lots and parking facilities must prominently display signs explaining that the lot is privately owned.

(3) The parking rate and hours of operation for private surface parking lots and parking facilities must be prominently displayed on signs clearly visible at the entrance to the parking lot and parking facility and pay stations. Signs must also include a phone number to contact the parking lot operator who must be available to receive call at all time of the day or night during which the lot or facility is open for business.

Sec. 15A-12. - Parking exemption for disabled veterans and disabled persons.

It is unlawful for any person to allow, cause, permit, or suffer any vehicle to be stopped, standing or parked in any Metered Parking Zone in violation of any of the provisions of Chapter 30 of Miami-Dade County Code of Ordinances or this Chapter; provided, however, that any motor vehicle owned by a disabled veteran bearing a "DV" motor vehicle license plate issued pursuant to Section 320.084 Florida Statutes while being operated by the disabled veteran to whom such plate was issued; and, any disabled person who has received such designation of disability from the State of Florida Department of Motor Vehicles, may park in metered parking spaces without payment of the parking fee required by Chapter 30 of Miami-Dade County Code of Ordinances or this Chapter , for the lawful period provided for such metered parking space. In order for a registered owner to be exempt from paying the parking fee, such person must sign a statement under penalties of perjury that he owned and was operating the vehicle at the time in question, and that he is the person to whom the DV motor vehicle license plate was issued.

Sec 15A-13. - Penalty unless otherwise provided.

The penalties set forth in Section 1-8 of the City's Code of Ordinances apply to any violation of this Chapter and Chapter 30 of the Miami-Dade County Code of Ordinances unless another penalty is expressly provided in this Chapter for a specific violation.

Sec 15A-14. – On-Street loading requirements, general provisions.

On-Street loading zones are reserved for loading and unloading and may not be used for parking of vehicles or any other use during the hours as designated by the City Manager.

Sec. 15A-15. - Penalty for misuse of parking spaces designated for electric vehicle charging.

(1)No person may stop, stand, or park a vehicle within any parking space designated for charging of electric vehicles using Electric Vehicle Supply Equipment (ESVE), as defined in section 20-4.4(G)(1), if the ESVE has been installed for that space, unless that vehicle is connected to and is actively charging from said charging equipment. However, in any proceeding to enforce a citation issued for a violation of this Subsection, the person being charged has a complete defense if such person can prove that the building where the ESVE space is located has more ESVE spaces than required by Section 20-4.4 and such person was using an EVSE space that was assigned to, or owned by, that person;

(2) No person may block access to any EVSE designated parking space if charging equipment has been installed for that space;

(3) Whenever a parking or code enforcement officer is invited onto private property by a person who resides on that property and who complains to the officer of a vehicle that is stopped, standing or parked within, or otherwise blocking access to, an ESVE parking space on that property and if the officer finds a vehicle in violation of this section, the officer must:

(a) Obtain a written statement under penalties of perjury from the complaining person that the building where the ESVE spaces are located does not have more ESVE parking spaces than required by Section 20-4.4 or that the EVSE parking space in question was not assigned to and is not owned by the owner of the vehicle in question.

(b) Allow the vehicle operator or owner, the land owner or the operator of the parking lot or facility, if present at that time, the choice of voluntarily relocating the vehicle to any lawful parking space or facility, and if not immediately removed, the officer may have the vehicle relocated by having the vehicle towed. Whenever a vehicle is relocated, any cost of such relocation will be charged to the registered owner of the vehicle, and if allowable by law, a lien may be placed on the vehicle if the fine is not paid within thirty (30) days of the issuance of the parking citation; and

(c) Issue a parking citation to the registered owner of the vehicle.

(3) Whenever evidence is presented in any court or before any local hearing officer, magistrate or special master of the fact that a vehicle was found to be parked in violation of this section, it is prima facie evidence that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered according to the records of the Florida Department of Highway Safety and Motor Vehicles.

(4) Violators of this Section will be prosecuted in the same manner as other parking violations. The fine for this parking violation, in accordance with Section 316.1945, Fla. Stat., is the maximum fine for a non-moving traffic violation pursuant to Chapter 318, Fla. Stat.

Sec. 15A-16. -Rebuttable Presumption. If a vehicle is found to be parked in violation of this Chapter, it is a rebuttable presumption that the registered owner of the vehicle was operating the vehicle and caused it to be illegally parked. This presumption may only be rebutted by an affidavit, delivered to the City's Code Enforcement Division within 15 days of the issuance of the parking violation citation, in which the owner identifies, under penalties of perjury, the person who parked the vehicle in violation of this Code and/or Chapter 30 of the Miami-Dade County Code of Ordinances. If there are more than two

registered owners, the presumption applies to the first name listed on the registration with the Florida Department of Highway Safety and Motor Vehicles (FLHSMV).

Section 3. Codification. The provisions of this ordinance will become and be made a part of the Code of Ordinances of the City of South Miami as amended.

Section 4. Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, this holding will not affect the validity of the remaining portions of this ordinance.

Section 5. Ordinances in Conflict. All ordinances or parts of ordinances and all sections and parts of sections of ordinances in direct conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance will become effective upon enactment.

PASSED AND ENACTED this 15th day of September, 2020.

ATTEST:


CITY CLERK

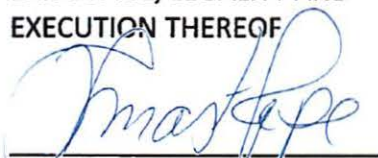
APPROVED:


MAYOR

1st Reading: 9/1/2020

2nd Reading: 9/15/2020

READ AND APPROVED AS TO FORM:
LANGUAGE, LEGALITY AND
EXECUTION THEREOF


CITY ATTORNEY

COMMISSION VOTE:	5-0
Mayor Philips:	Yea
Vice Mayor Welsh:	Yea
Commissioner Liebman:	Yea
Commissioner Gil:	Yea
Commissioner Harris:	Yea