

ORDINANCE No. 903

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 19 "TRAFFIC" OF THE TOWN CODE OF ORDINANCES BY AMENDING ARTICLE II "PARKING" AND BY CREATING ARTICLE III "BROAD CAUSEWAY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council has conducted a thorough review of Article II "Parking" of Chapter 19 "Traffic" of the Town Code of Ordinances (the "Parking Ordinance"); and

WHEREAS, the Town Council has determined that it is in the best interest of Town residents to amend the Parking Ordinance in order to more clearly define what shall constitute a parking violation; and

WHEREAS, it is the desire of the Town Council to permit the issuance of uniform traffic citations by toll enforcement officers to individuals who fail to pay the toll for passage over the Broad Causeway.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Town Code Amended. That Article II "Parking" of Chapter 19 "Traffic" of the Town of Bay Harbor Islands Code of Ordinances is hereby amended to read as follows:¹

ARTICLE II. PARKING*

DIVISION 1. GENERALLY

Sec. 19-20. Definitions.

Commercial Vehicle means any Vehicle used principally for the purpose of carrying passengers for hire or cargo to be utilized for business related purposes. Vehicles owned and operated by the Town, Miami-Dade County and State of Florida shall not be considered to be Commercial Vehicles.

Dedicated Parking Space means a strip of land adjacent to a Street that has been dedicated by the owner of the property to the Town for use as a Parking Space.

Eyesore Vehicle means any Vehicle that is wrecked; inoperative; partially dismantled; has visibly

¹ Additions to existing Town Code text are shown by underline; deletions from existing Town Code text are shown by ~~strikethrough~~.

rusted metal; has been parked for more than three consecutive days with a flat tire; has un-repaired damage over at least ten percent of the Vehicle; or has a primer or coat of paint other than a final coat of paint.

False Currency means any medal slugs, counterfeit or foreign paper currency or false or stolen credit card information.

Mobile Home means any Vehicle, either equipped with wheels or to which wheels may be attached, designed to sleep in.

Off-Street Parking Facility means a parking lot or parking garage owned and operated by the Town.

Parking Fee means the funds, whether in the form of coin, cash or credit card, required for lawful parking in a Parking Meter Space.

Parking Meter means a mechanical device utilized for the collection of Parking Fees and indicating the designated time period during which a Vehicle may be lawfully parked in a Parking Meter Space.

Parking Meter Space means a Parking Space for which the payment of a Parking Fee is required to be legally parked.

Parking Meter Zone means section(s) of the Town designated for the operation of Parking Meters.

Parking Space means an area designated for the parking of a single Vehicle.

Parallel Parking Space means a Parking Space positioned parallel to the adjacent Street.

Perpendicular Parking Space means a Parking Space positioned at a 90 degree angle to the adjacent Street.

Street means every public thoroughfare set apart for Vehicular travel.

Stretched-out Vehicle means any Vehicle with a length in excess of 18 feet.

Toll means the payment required for the legal passage of a Vehicle over Broad Causeway.

Toll Enforcement Officer means an individual designated by the Town pursuant to F.S. § 316.640(1) whose sole authority is to enforce the payment of Tolls through the issuance of uniform traffic citations.

Toll Facility means the structure located on Broad Causeway utilized by the Town for the collection of Tolls.

Toll Violation means passing through the Toll Facility without payment of the Toll in violation of F.S. § 316.1001.

Trailer means any apparatus which maybe affixed to and drawn behind a Vehicle for the purpose of hauling freight by Street.

Vehicle means any motorized device by which a person or property may be transported upon a Street.

Vehicle Cover means any material which is placed over all or part of a Vehicle to conceal or obscure the Vehicle, except for a partial cover over the front grille area of the Vehicle, which is commonly known as a "vehicle bra."

Sec. 19-21 Regulation generally.

It shall be unlawful to park a Vehicle on a Street, outside of a single designated Parking Space unless otherwise instructed by a police officer. Vehicles parked within a Perpendicular Parking Space shall be parked up to the car stops so that no portion of the Vehicle projects on to the Street.

A Vehicle parked in a Parallel Parking Space shall not park more than 12 inches from the curb.

Sec. 19-20~~2~~. Parking on East Island--Position of Vehicles.

~~No v~~Vehicles shall be parked on the s~~Streets of the East Island of the t~~Town, except shall park
parallel to the direction of traffic on the adjacent s~~Street, unless the owner of the land contiguous~~
to the parking area Street has provided for a Dedicated Parking Space which has been constructed
perpendicular to the direction of the adjacent Street. ~~dedicated to the town a strip of land no less than~~
~~six feet wide and paved it in accordance with the requirements set forth in section 23-23 et seq. or~~
~~who uses a strip of land contiguous to the parking area of the same dimensions and paved in the~~
~~same manner on his own property for parking purposes. If such dedication and paving has been~~
~~made, or owner's strip of land on his own property so used, then all parking of vehicles in that~~
~~parking area shall be at an angle of 90 degrees to the direction of the street.~~

Sec. 19-21~~3~~. Same--Paving, layout marking and car stops contiguous to private area. Parking Spaces Constructed.

~~Where the owner of the land contiguous to the parking area has dedicated and paved the six-foot~~
~~strip of property in accordance with section 23-23 et seq. Parking Spaces or who uses a strip of land~~
~~contiguous to the parking area of the same dimension and paved in the same manner on his own~~
~~property for parking purposes, the contiguous parking area shall be paved, laid out, marked and car~~
~~stops provided- shall be constructed as follows:~~

(a) ~~Paving: Paving of the dedicated six-foot strip of land provided in section 23-23 et seq. or the owner's similar strip of land, if Dedicated Parking Spaces which have not already been paved prior to May 1, 2010 at the time of the passage of this division, shall consist of a six-inch-thick compacted limerock base primed and topped with a one-inch asphaltic concrete surface. Non Dedicated Parking Spaces shall be paved in a manner approved by the Town.~~

(ba) ~~Parking layout: Stalls for the parking of each vehicle Parking Spaces shall be no less than eight and one-half 8 ½ feet in width and 18 feet in length, for either 90 degrees or parallel parking. Dead or A buffer consisting of not less than 2 feet of unoccupied spaces shall be provided between stalls separate contiguous Parking Spaces and Parking Spaces from adjacent to driveways, which spaces shall be no less than three feet for ninety-degree stalls and two feet for parallel stalls and shall be permanently marked by white painted stripes four inches in width, in accordance with the requirements illustrated by the drawing and made a part hereof. Stripes outlining ninety-degree parking stalls shall be 14 feet long and not extend closer to the center of the street than the outer edge of the concrete valley gutter.~~

(cb) ~~Stall Parking Space markings: All stalls Parking Spaces shall be marked with a four-inch-wide continuous unbroken line of white traffic marking paint. Paint shall be white standard traffic marking paint, specifications for which shall be approved by the town engineer.~~

(dc) ~~Car stops: Each stall for pPerpendicular Parking Space at an angle of 90 degrees to the direction of the street shall be provided with a car stop or bumper which shall be six feet in length and made of materials which have been approved by the planning and zoning board for use in the tTown. Car stops shall be placed on a line two feet from the end of the pParking sSpace furthest from the center line of the sStreet. The placing of the car stop is illustrated by the drawing attached to and made a part hereof.~~²

~~(e) Parking: Cars shall be parked within the stall markings and up to the car stops. No car shall be so parked that any part thereof will project on the sStreet, side of the valley gutter.~~

~~DIVISION 2. TRUCKS, TRAILERS, COMMERCIAL VEHICLES, EYESORE VEHICLES, VEHICLE COVERS, BOATS, MOBILE HOMES, STRETCHED-OUT VEHICLES, BUSES AND TRACTORS~~

~~Sec. 19-30. Definitions:~~

² Remove corresponding diagram from Town Code.

~~*Boat* is defined as any vehicle for transportation is water.~~

~~*Bus* is defined as any vehicle with a capacity for carrying more than 11 persons, including the driver.~~

~~*Eyesore vehicle* is defined as any vehicle that is wrecked; inoperative; partially dismantled; rusted through the metal; parked more than three days with a flat tire; has unrepaired damage over at least ten percent of the vehicle; has missing or broken body parts which are a material part of the vehicle such as lights, bumpers, fenders, panels, glass; has parts attached to the vehicle by or covered with tape; has a primer or coat of paint other than a final coat of paint; is covered with more than three different colors of paint.~~

~~*Houseboat* is defined as that type of water-home craft designed primarily for living as opposed to cruising or fishing, and shall be so defined, whether self-propelled or otherwise.~~

~~*Mobile home* is defined as any vehicle, either equipped with wheels or to which wheels may be attached, designed to sleep in.~~

~~*Stretched-out vehicle* is defined as any vehicle in excess of 250 inches in overall length.~~

~~*Tractor* is defined as any vehicle of more than 6,000 pounds gross vehicle weight which is designed for towing any other vehicles including, but not limited to, trailers and mobile homes.~~

~~*Trailer* is defined as any vehicle used for transporting property, for transporting another vehicle, for transporting equipment of any kind, and includes, but is not limited to, boat trailers, house trailers, automobile carriers, horse or other animal carriers, and motorcycle or bicycle carriers.~~

~~*Trucks and commercial vehicles* are defined as any motor vehicles which are used principally for the purpose of carrying passengers for hire or the carrying of things for hire other than passengers. Trucks and commercial vehicles include, but are not limited to, motor vehicles which have affixed to or within them a sign, ladder, cabinet or similar box, platform, rack or other equipment including tools, and which things are used primarily for a commercial endeavor or business purpose. Provided however, a motor vehicle shall not be deemed to be a commercial vehicle if it is a clearly marked police law enforcement patrol vehicle, owned or operated by the state, or any county or any municipality within the state.~~

~~*Vehicle covers* are defined as any material which is placed over all or part of a vehicle to conceal or obscure the vehicle, except for a partial cover over the front grille area of the vehicle, which is commonly known as a "vehicle bra."~~

Sec. 19-31~~24~~. Parking of Commercial Vehicles Hours for trucks, tractors and commercial vehicles; eyesore vehicles prohibited; use of coverings over vehicles that are parked on town rights-of-way, in the single-family district, or over eyesore vehicles prohibited; parking prohibited under certain conditions.

(a) It shall be unlawful for any person to park any truck tractor or cCommercial vVehicle at any place within the tTown between the hours of 6:00 p.m. and 8:00 a.m. unless:

- 1) tThe same Commercial Vehicle shall be is fully enclosed in a garage or other structure; or
- 2) except any truck, tractor or commercial vehicle may be parked in the town at any time where that truck, tractor or commercial The Commercial vVehicle is being used for construction work in the tTown and such truck, tractor or commercial is parked on the site of the construction work.

(b) Any truck or cCommercial vVehicle may park at any time in the town's off-street parking lots Off-Street Parking Facility if it does not exceed 80 inches 6 ½ feet in width and 250 inches 18 feet in overall length; and providing further provided that not more than one truck or cCommercial vVehicle owned, leased or used by any single company, business or individual, may be parked in any of the town's off-street parking lots Off-Street Parking Facility at any time. No tractor may be parked in the town's off-street parking lots between the hours of 6:00 p.m. and 8:00 a.m.

It shall be unlawful for any person to park any eyesore vehicle at any lacc in town at any time.

It shall be unlawful for any person to use or place any coverings over any vehicles that are parked on the town's rights-of-way or any portion thereof, in the single family district, or over any eyesore vehicles wherever located in the Town.

It shall be unlawful at any time to park trucks, tractors and commercial vehicles under the following conditions:

- (a) ~~Displaying such vehicle for sale;~~
- (b) ~~Greasing or repairing such vehicle, except for repairs necessary in an emergency;~~
- (c) ~~Displaying advertising on, in or near such vehicle;~~
- (d) ~~Selling merchandise on, in or near such vehicle;~~
- (e) ~~Storage, or as junkage or dead storage for more than 24 hours.~~

Sec. 19-3225. Time limit for Parking of tTrailers, mMobile hHomes, and sStretched-out vVehicles, and buses.

It shall be unlawful for any person to park any tTrailer, mMobile hHome, or sStretched-out vVehicle, or bus at any place within the tTown at any time with the following exceptions that:

(a) Any trailer, including a boat trailer, may be parked in a manner lawful for any other vehicle for a period not exceeding an aggregate of three hours in any consecutive twenty-four-hour period where it does not obstruct traffic.

(ba) A boat trailer, a house tTrailer, or a mMobile hHome or a Stretched-out Vehicle may be parked for any period of time on private property, where:

1) providing tThe entire tTrailer together with any cargo affixed thereto with boat, or house trailer, or mMobile hHome or Stretched-out Vehicle does not exceed ten 10 feet in height from the ground and does not exceed 30 feet in length, and

~~providing it is not parked on any public thoroughfare or property owned by the town, and~~

3) providing it The Trailer, Mobile Home or Stretched-out Vehicle is enclosed in such a manner so that it is not visible from adjoining property or the centerline of the adjacent any public thoroughfare Street in the town.

(cb) A sStretched-out vVehicle or a Trailer or a bus may be parked in a manner lawful for any other vehicle for any period not exceeding an aggregate of three hours in any consecutive twenty-four-hour period where it does not obstruct traffic and may be parked on in the off-street parking lots owned by the town an Off-Street Parking Facility in a place or places assigned to it by a police officer subject to the payment of applicable Parking Fees, of the town, providing the parking fees are paid by the operator thereof for the space used. If a bus does not exceed 80 inches in width or 250 inches in overall length, it may be parked in any parking space in the town's off-street parking lots without the necessity of an assigned parking space, but with payment of parking fees.

Sec. 19-26. Parking for Unlawful Purposes.

It shall be unlawful to park a Vehicle on the Street or within an Off-Street Parking Facility for the following purposes:

(1) Display for sale;

(2) Conducting repairs; except those necessary in an emergency;

(3) Display of advertising or promotional material;

(4) Sale of merchandise.

Sec. 19-27. Eyesore Vehicles; Vehicle Coverings

(a) It shall be unlawful for any person to park any Eyesore Vehicle within the view of a person standing on a Street.

(b) It shall be unlawful for any person to use or to place any Vehicle Coverings over any Vehicles that are parked on the Street.

Sec. 19-33. Boats; houseboats:

~~(a) It shall be unlawful for any person to park any boat at any place in the town at any time except:~~

~~1) on a trailer as limited in section 19-32(b) above, and or~~

~~2) except in navigable waters.~~

~~(b) It shall be unlawful for any person to park any houseboat at any place in the town at any time, whether on a trailer or not, and it shall be unlawful for any person to moor or anchor any houseboat in any waters within the geographical limits of the Town of Bay Harbor Islands or in water under the jurisdiction and authority of the town.~~

~~SSec. 19-34~~28. Prohibition against parking of motor vehicles on any land which is vacant, unimproved, or unpaved land.

~~It shall be unlawful for any person to park or store in the town any motor v~~ehicle on land which is unimproved, vacant or unpaved land.

Sec. 19-29. Boats.

It shall be unlawful to park a boat on any property within the Town unless the boat is properly affixed to a Trailer.

DIVISION 32. PARKING METERS

~~Sec. 19-40. Definitions:~~

~~Whenever in this division the following terms are used, they shall have the meanings respectively ascribed to them:~~

~~Parking Fee:~~ The funds whether in the form of coin, cash or credit card required to be deposited in a Parking Meter

~~Parking meter:~~ A mechanical device located upon a public street or sidewalk in a place regularly designed as a parking zone as hereinafter defined, which device shall indicate a certain number of minutes by the use of clock mechanism determining the period of time for which parking privileges may be extended to the person so depositing Parking Fees a coin.

~~Parking meter zone:~~ A certain designated and marked off section of the public street within the marked boundaries where the vehicle may be temporarily parked and allowed to remain for such period of time as the parking meter attached thereto may indicate.

~~Roadway:~~ That portion of a street between the regularly established curblines.

~~Sidewalk:~~ That portion of a street between the curblines and the adjacent property lines.

~~Street:~~ Every way set apart for public travel, except alleyways, bridle paths and footpaths.

~~Vehicle:~~ Any device by which any person or property may be transported upon a public highway.

Sec. 19-41. Creation of Parking Meter Zones zones.

Parking mMeter zZones may be created as hereinabove described are hereby created on the following streets of the town: North and south sides of Kane Concourse between East Bay Harbor Drive and Bay Harbor Terrace, and from time to time hereafter as traffic conditions require, on such sStreets and avenues, or such other locations designated as selected by resolution of the tTown eCouncil, for the location of such zones.

Sec. 19-42. Installation of Parking mMeters Spaces.

1) Installation - In said parking meter zones t The tTown mManager shall cause pParking mMeters to be installed adjacent to Parking Meter Spaces in such numbers and at such places deemed as in his judgment may be necessary to for the regulation, control, and inspection of the parking of parked vVehicles therein, including the reservation of loading zones for commercial vehicles and shall cause parking meter spaces to be designated as hereinafter provided:

2) Operation. The tTown mManager shall:

a) fix Determine the hours during which when the pParking mMeters or meters must be used and shall be operational; and

b) Determine when the time limitations period during which a Vehicle may be parked in a Parking Meter Space. Time limitations for parking in a Parking Meter Space shall be designated on Parking Meters or by signs visibly posted in close proximity to the appropriate Parking Meters. ~~shall be effective, in compliance with the provisions of this division, and shall indicate the time limitations by designating the same on the parking meters or meters or by appropriate signs posted in proximity to said meter or meters in said zone.~~

~~Sec. 19-43. Contracts:~~

~~The town manager is hereby authorized to carry out the terms of any contracts heretofore or hereafter entered into by the town council for the purchase, leasing, acquiring, installation, operation, maintenance, supervision, regulation, and use of the parking meters provided for in this division, whether for trial period or otherwise; the payment for such parking meters and installation to be provided for solely from the receipts, funds and revenues obtained from the operation of said parking meters without in any manner obligating the town to pay for the same from any other source.~~

~~Sec. 19-44. Position of meters; legend:~~

~~The parking meters installed in the parking meter zones as established and provided for in section 19-41 shall be placed upon the curb immediately adjacent to the individual parking places hereinafter described. Each parking meter shall be placed or set in such manner as to show or display by a signal that the parking space adjacent to such meter is or is not legally in use. Each parking meter installed shall indicate by a proper legend the legal parking time established by the town and when operated shall indicate on and by its dial and pointer the duration of the period of legal parking and on the expiration of such period shall indicate illegal or over parking.~~

~~Sec. 19-45. Designating spaces; parking within lines:~~

~~The town manager shall have markings painted or placed upon the curb and/or upon the sStreet adjacent to each pParking mMeter for the purpose of designating the parking space for which said each parking meter is to be used and each vehicle parking adjacent or next to any parking meter shall park within the lines or markings so established. It shall be unlawful and a violation of this division~~

~~to park any vehicle across any such line or marking or to park said vVehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.~~

Sec. 19-463. Placing Parking mMeter in oOperation.

~~When any~~ The operator of a ~~vVehicle shall be parked in a~~ Parking Meter Space ~~any space adjacent to which a parking meter is located in accordance with the provisions of this division, the operator of said vehicle shall, upon entering a the said pParking Meter sSpace, immediately deposit or cause to be deposited Parking Fees a five cent, or ten cent, or twenty-five cent coin of the United States, in such the corresponding pParking mMeter, and put such meter in operation, and fFailure to deposit such Parking Fees coin and put the meter in operation shall constitute a violation of this division Chapter and shall subject such person to the penalty prescribed hereinafter.~~

Sec. 19-474. Parking time periods; parking overtime.

~~Upon placing such meter in operation as aforesaid, the A pParking Meter Space space may be lawfully occupied by such vehicle for a the period of time designated on the corresponding Parking Meter. of 30 consecutive minutes for each twenty-five cent coin of the United States deposited therein up to two and one-half hours, or for a period of one hour for each fifty-cent coin of the United States deposited therein up to two and one-half hours, and payment of the aforesaid amounts for the above periods shall be made for parking in the areas set forth hereinabove. If a Parking a such vVehicle shall remain parked in a any such parking space Parking Meter Space beyond the parking time limit as fixed by the coin or coins deposited in such indicated on the corresponding Parking mMeter for such parking space, the parking meter shall by its dial and pointer indicate such illegal parking and in that event, such vehicle shall be considered parked overtime and beyond the period of legal parking time and shall constitute a violation of this Chapter. division and the owner or operator thereof shall be punished as hereinafter set out. Each two and one-half hour period that a vVehicle remains parked in a Parking Meter Space after the time indicated on the Parking Meter has expired overparked in any metered parking space shall constitute a separate violation.~~

Sec. 19-485. Defacing, etc., of Parking mMeters.

It shall be unlawful and a violation of the provisions of this ~~division~~ Chapter for any person to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any

~~pParking mMeter installed under the provisions of this division.~~

Sec. 19-496. ~~Use of slugs~~ False Currency.

It shall be unlawful and a violation of the provisions of this ~~division~~ Chapter to deposit or cause to be deposited, False Currency in any ~~pParking mMeter~~, ~~any slug, device or metallic substitute, or any other substitute for a one cent, five cent or ten cent coin of the United States.~~

Sec. 19-5047. ~~Reports of police; tagging vehicle; early payment fine~~ Parking Enforcement.

It shall be the duty of the police and parking enforcement officers of the ~~tTown~~, ~~acting in accordance with instructions issued by the town manager, to report~~ issue parking citations to violators of this Chapter. Parking Citation shall be issued in the form utilized by Miami-Dade County and shall notify the violator of the nature of the violation and the applicable penalty.

~~(a) The number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parking in violation of any of the provisions of this division~~ ;

~~(b) The state license number of such vehicles;~~

~~(c) The date and time such vehicle is parked in violation of any of the provisions of this division;~~

~~(d) Make of vehicle and any other facts, a~~ the ~~knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.~~

~~Each such police officer shall also attach to such vehicle a uniform citation in the form issued by Dade County, Florida, giving notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this division and instructing such owner or operator as to the amount of any penalty and the method of payment.~~

Section 19-48. Penalties.

Fines for the violation of this Chapter shall be levied in accordance with the schedule enumerated in Section 30-388.32 of the Miami-Dade County Code of Ordinances as may be amended from time to time.

Sec. 19-51. ~~Punishment for violation; notice; disposition of vehicles.~~

~~Any person who shall violate any of the provisions of this chapter, and any person who aids, abets, or assists therein, shall, upon conviction thereof, be subject to punishment as follows:~~

~~(a) As provided in section 1-8, and any other applicable penalty section(s) of the Code, and~~

~~(b) Whenever an enforcement officer of the Town of Bay Harbor Islands shall ascertain that a motor vehicle, truck, trailer, commercial vehicle, eyesore vehicle, boat, mobile home, stretched-out vehicle, bus or tractor (collectively referred to as vehicle(s)), is in violation of this Chapter, he shall cause a notice to be placed upon such motor vehicle in accordance with the provisions of F.S. Ch. 705 and in the following form:~~

~~NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description) is unlawfully in violation of Chapter 19 of the Bay Harbor Islands Code (setting forth brief description of violation), and must be removed within ten days from the date of this notice; otherwise it shall be presumed to be abandoned property and will be removed and destroyed by order of the Town of Bay Harbor Islands. Dated this: (setting forth the date of posting of notice). Signed: (setting forth name, title address, and telephone number of enforcement officer):~~

~~Such notice shall be not less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the enforcement officer shall make reasonable effort to ascertain the name and address of the owner, and if such is reasonably available to the enforcement officer he shall mail a copy of such notice to the owner on or before the date of posting:~~

~~(c) If at the end of ten days after posting such notice the owner or any person interested in the vehicle described in such notice has not removed the vehicle or shown reasonable cause for failure to do so, the enforcement officer may cause the vehicle to be removed and stored or destroyed. If said vehicle is stored, the owner or any person interested in the vehicle shall pay the reasonable costs for towing and storage. If said vehicle is destroyed, the salvage value, if any, shall be retained by the Town of Bay Harbor Islands to be applied against the cost of removal and destruction thereof.~~

Section 19-49. Abandoned Vehicles.

Vehicles abandoned with in the Town shall be disposed of in accordance with the procedures enumerated in Chapter 705, Florida Statutes, as may be amended from time to time.

Sec. 19-520. Use of proceeds.

~~The coins required to be Parking Fees collected by the Town 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 streets, and also the cost of supervision and regulation of the parking of vehicles in the parking meter zones created hereby, and to cover shall be utilized to pay for the cost of the purchasing, leasing, acquiring, installing, operating, maintaining, supervising, regulating and controlling of the pParking mMeters (collectively "Parking Meter Operation Costs")described herein. Where the amount of collected Parking Fees exceeds the Parking Meter Operation Costs accrued during any fiscal year, the Town may utilize the excess Parking Fees for any lawful purpose.~~

~~Sec. 19-53. Collectors of coins.~~

~~The town manager shall designate such collectors and methods as are necessary to properly collect all coins deposited in the meter boxes. Such collectors shall be only such employees as are now or hereafter duly bonded in a sum not less than \$1,000.00 for the faithful performance of their duties. All money so collected shall be deposited with the collector of the town, provided, however, a separate fund or accounting shall be maintained at all times of such money so deposited.~~

~~Sec. 19-54. Deposit of fines into fund.~~

~~All penalty fees collected by the police department shall be deposited with the collector of said town and credited to the parking meter fund.~~

~~Sec. 19-55. Regulations cumulative.~~

~~This division shall be deemed to be in addition and supplementary to and not in conflict with nor a repeal of prior or existing ordinances of this town, but shall be an additional provision for the regulation of traffic and parking in those zones provided for herein.~~

Section 3. Town Code Amended. That Article III "Broad Causeway" of Chapter 19 "Traffic" of the Town of Bay Harbor Islands Code of Ordinances is hereby created to read as follows:

Article III. Broad Causeway.

Sec. 19-56. Tolls.

No individual may pass through the Toll Facility without the payment of the Toll, except as provided in F.S. § 338.155 as amended from time to time. Failure to pay the Toll shall constitute

a noncriminal traffic infraction, punishable as a moving violation pursuant to F.S. ch. 318.

Sec. 19-57. Toll Enforcement.

- (a) The Town Council authorizes a Toll Enforcement Officer to issue a uniform traffic citation to any individual observed committing a Toll Violation.
- (b) A uniform traffic citation issued pursuant to this Article shall be issued to the driver of the Vehicle observed committing the Toll Violation. In addition, a copy of the uniform traffic citation shall be issued by first class or certified mail to the address of the driver of the Vehicle involved in the Toll Violation within fourteen 14 days of the Toll Violation and issuance of the uniform traffic citation by the Toll Enforcement Officer.
- (c) Any person receiving a uniform traffic citation for having committed a Toll Violation may elect to pay the Toll to the Town within ~~seventen~~ (710) days of the issuance of the uniform traffic citation by a Toll Enforcement Officer. Where payment of the Toll is rendered to the Town within ~~seventen~~ (107) days of the date that the uniform traffic citation was issued by a Toll Enforcement Officer, the uniform traffic citation shall be voided and no further action shall be taken by the Town. Any person cited for a Toll Violation who does not elect to pay the Toll to the Town within ~~seventen~~ (710) days of the date on which the uniform traffic citation was issued by a Toll Enforcement Officer may pay the fine of One Hundred (\$100.00) Dollars directly to the Town within thirty (30) days of the date on which the uniform traffic citation was issued by a Toll Enforcement Officer. Where payment is rendered directly to the Town within (30) days of issuance, the uniform traffic citation will be voided and nothing further will be filed with the Clerk of Court resulting in no court record of the Toll Violation. Any person cited for a Toll Violation who does not elect to pay the fine directly to the Town shall have forty five (45) days from the date that the uniform traffic citation was issued by the Toll Enforcement Officer in which to request a hearing or to pay the civil penalty and delinquent fee, if applicable, in accordance with F.S. § 318.14(4).
- (d) This Article is intended to supplement the enforcement of F.S. § 316.1001 by law enforcement officers. Nothing within this Article shall be construed as prohibiting or impeding a law enforcement officer from issuing a citation for a Toll Violation.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. That the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Bay Harbor Islands, Florida; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

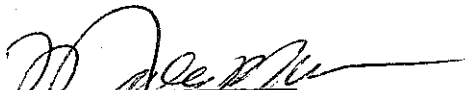
Section 6. Effective Date. That this Ordinance shall become effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this 14th day of June 2010.

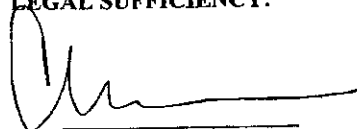
PASSED AND ADOPTED on second reading this 12th day of July, 2010.


Kenneth Weinstein, Mayor

Attest:


Marlene Marante, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**


Town Attorney