



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

ORDINANCE NO. 2328-2016

**AN ORDINANCE OF THE CITY OF STUART,
FLORIDA, AMENDING SECTION 40-44 IN THE CITY
OF STUART, FLORIDA CODE OF ORDINANCES TO
PROVIDE FOR A PARKING PROHIBITED
EXCEPTION FOR RESIDENTS AND HOTEL GUESTS
WITH PERMITS; PROVIDING FOR REPEAL OF
CONFLICTING ORDINANCES; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CODIFICATION;
AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City Code of Ordinances currently makes exceptions for area residents with annual permits and visitor permits within the three-hour parking district; and

WHEREAS, the City Commission desires to amend the City Code to include all residents and hotel guests with permits; and

WHEREAS, the Stuart Local Planning Agency duly scheduled, advertised and held a public hearing on July 21, 2016 to consider and recommend approval of an ordinance to allow such permits; and

WHEREAS, the City Commission desires to amend the City Code to set forth these certain exceptions.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF STUART, FLORIDA** that:

**SECTION 1: AMENDMENTS TO SECTION 40-44 OF THE STUART CODE OF
ORDINANCES.** Section 40-44 of the Stuart Code of Ordinances is hereby amended to read in its entirety as follows:

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Sec. 40-44. - Same—Exception for residents and hotel guests with permits.

(a) A bona fide resident or overnight hotel guest within the three-hour parking district described in [section 40-43](#) shall be permitted to park a vehicle owned by such resident or hotel guest for longer than three hours in the three-hour parking district, provided the vehicle so parked properly displays a revocable parking permit as provided in this section.

(b) Upon proper application and payment of a fee, the city shall issue a revocable parking permit card or decal to an individual resident upon proper proof of residency, and display of a card or decal issued by the City shall be conspicuously displayed on the inside front window or dashboard of a vehicle owned by and registered to the resident so as to be easily legible from outside the vehicle, and as directed by order of the police chief. Permit cards shall be issued to hotel guests and permit decals shall be issued to residents, both as provided herein.

(c) A vehicle properly displaying a revocable parking permit shall be considered exempt from the three-hour parking restrictions set forth in [section 40-43](#), except that no person using such parking permit shall exceed the three-hour parking restrictions on SW Osceola Street or SW Flagler Avenue from SW Colorado Avenue to SW St. Lucie Avenue.

(d) A revocable parking permit issued hereunder shall commence when issued, and shall expire upon the earlier of the expiration of the vehicle registration form or lease provided to the city as a proof of residency, or upon the actual termination of residency, or upon the termination of the hotel stay, and said permits shall be renewable upon proof of residency as provided in subsection (e) below, and payment of the required fee.

(e) **Permanent Residents.** A residential applicant shall prove permanent residency by presenting to the city police department a valid Florida vehicle registration form for a vehicle personally owned by the applicant, or for an entity in which the applicant has a controlling interest (as demonstrated by appropriate verified documents), showing the address of residency within the three-hour parking district, **and** any one (1) of the following current and valid forms, verifying the same address:

- (1) A voter registration card;
- (2) A Florida driver's license;
- (3) A utility bill;
- (4) A deed to the property; or
- (4) Any other indicia of residency deemed reliable by the police chief.

(f) **Seasonal or Temporary Residents.** An applicant with a seasonal or temporary residence of six (6) months or less within the three-hour parking district shall provide a current, valid state vehicle registration card, state driver's license, and a copy of their lease or deed.

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(g) **Transient Guest Facilities.** Upon payment of the established fee, hotel and other transient guest facility owners or managers (“hoteliers”) located within the three-hour parking district shall be issued revocable parking permit cards in a number sufficient to provide a revocable parking permit to each overnight guest with a vehicle who is staying at the hotel, for which there exists no off-street parking space. The hotelier shall be responsible for providing overnight guests with needed revocable parking permits. Said revocable parking permit shall expire on the last day of the guest’s stay, and each permit issued shall clearly be marked by the hotelier with the expiration date. Hoteliers shall be responsible for the security and safekeeping of revocable parking permits and they shall have an affirmative duty to report the theft or loss of any unused parking permit forms to the city. In addition, and upon reasonable notice, the police chief or designee may audit the number of permits issued and the number of hotel guests.

(h) Prior to issuing a revocable parking permit, the city may require proof that a resident does not have an off-street parking space for the vehicle for which the permit is being issued. This determination may require an inspection by the city of the resident’s property.

(i) Permits issued hereunder are a privilege not a right, and shall be revocable by the City Manager for any use which is not consistent with its issuance, or multiple violations of sections 40-43 and 40-44 of this code.

(j) A fee for parking permits in the three-hour parking district shall be established by resolution of the city commission from time to time.

(k) Violation of subsection (c) of this section shall subject the violator to a fine of \$50.00 for each violation.

PASSED on First Reading this 8th day of August, 2016.

Commissioner CAMPENNI offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner CLARKE and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
JEFFREY KRAUSKOPF, MAYOR	X			
EULA CLARKE, VICE MAYOR	X			
THOMAS CAMPENNI, COMMISSIONER	X			
TROY MCDONALD, COMMISSIONER	X			
KELLI GLASS-LEIGHTON, COMMISSIONER			X	

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ADOPTED on Second Reading this 22nd day of August, 2016.

ATTEST:

CHERYL WHITE
CITY CLERK

JEFFREY A. KRAUSKOPF
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL
CITY ATTORNEY