

CITY OF CLERMONT
ORDINANCE No. 2016-06

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 62 TRAFFIC AND VEHICLES, CREATING A NEW SECTION 62-39 PARKING FOR CERTAIN PURPOSES PROHIBITED; SALE OF MOTOR VEHICLES; PROHIBITED ACTS; PROVIDING FOR CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND PUBLICATION.

WHEREAS, pursuant to the provisions of Chapter 163, Florida Statutes, the City of Clermont Planning and Zoning Commission, acting as the Local Planning Agency of the City, has held a public hearing on January 5, 2016 and following such hearing found this Ordinance to be in the best interest of the City of Clermont, and recommended that the City Council adopt this Ordinance, and

WHEREAS, the City Council of the City of Clermont desires to Amend Chapter 62 Traffic and vehicles, Creating a New Section 62-39 Parking for certain purposes prohibited, sale of motor vehicles, prohibited acts, of the City of Clermont's Code of Ordinances, and

WHEREAS, the State of Florida has adopted under Florida Statutes Section 316 1951 Parking for certain purposes prohibited, sale of motor vehicles, prohibited acts, effective July 1, 2010, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Florida as follows

SECTION 1.

The City Council of the City of Clermont has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 163 and 166, Florida Statutes

SECTION 2.

The City of Clermont Code of Ordinances is hereby amended to read as follows

Chapter 62 TRAFFIC AND VEHICLES

Article II Stopping, Standing and Parking

Section 62-39

Parking for certain purposes prohibited, sale of motor vehicles, prohibited acts

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- (1) It is unlawful for any person to park a motor vehicle, as defined in Florida Statutes 320.01, upon a public street or highway, a public parking lot, or other public property, or upon private property where the public has the right to travel by motor vehicle, for the principal purpose and intent of displaying the motor vehicle thereon for sale, hire, or rental unless the sale, hire, or rental of the motor vehicle is specifically authorized on such property by municipal or county regulation and the person is in compliance with all municipal or county licensing regulations
- (2) The provisions of Subsection (1) do not prohibit a person from parking his or her own motor vehicle on any private real property which the person owns or leases or on private real property which the person does not own or lease, but for which he or she obtains the permission of the owner, or on the public street immediately adjacent thereto, for the principal purpose and intent of sale, hire, or rental. Provided, however, that such parking of vehicles shall otherwise comply with all applicable laws, codes and regulations. All Clermont regulations for such parking must be adhered to.
- (3) Subsection (1) does not prohibit a licensed motor vehicle dealer from displaying for sale or offering for sale motor vehicles at locations other than the dealer's licensed location if the dealer has been issued a supplemental license for off-premises sales, as provided in Florida Statutes 320.27(5), and has complied with the requirements in Subsection (1). A vehicle displayed for sale by a licensed dealer at any location other than the dealer's licensed location is subject to immediate removal without warning.
- (4) A local government may adopt an ordinance to allow the towing of a motor vehicle parked in violation of this section. A law enforcement officer, compliance officer, code enforcement officer from any local government agency, or supervisor of the department may issue a citation and cause to be immediately removed at the owner's expense any motor vehicle found in violation of Subsection (1), except as provided in Subsections (2) and (3), or in violation of Subsection (5), Subsection (6), Subsection (7), or Subsection (8), and the owner shall be assessed a penalty as provided in Florida Statutes 318.18(21) by the government agency or authority that orders immediate removal of the motor vehicle. A motor vehicle removed under this Section shall not be released from an impound or towing and storage facility before a release form prescribed by the department has been completed verifying that the fine has been paid to the government agency or authority that ordered immediate removal of the motor vehicle. However, the owner may pay towing and storage charges to the towing and storage facility pursuant to Florida Statutes 713.78 before payment of the fine or before the release form has been completed.
- (5) It is unlawful to offer a vehicle for sale if the vehicle identification number has been destroyed, removed, covered, altered, or defaced, as described in Florida Statutes 319.33(1)(d). A vehicle found in violation of this Subsection is subject to immediate removal without warning.

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- (6) It is unlawful to knowingly attach to any motor vehicle a registration that was not assigned or lawfully transferred to the vehicle pursuant to Florida Statutes 320.261. A vehicle found in violation of this Subsection is subject to immediate removal without warning.
- (7) It is unlawful to display or offer for sale a vehicle that does not have a valid registration as provided in Florida Statutes 320.02. A vehicle found in violation of this Subsection is subject to immediate removal without warning. This Subsection does not apply to vehicles and recreational vehicles being offered for sale through motor vehicle auctions as defined in Florida Statutes 320.27(1)(c). 4
- (8) A vehicle is subject to immediate removal without warning if it bears a telephone number that has been displayed on three or more vehicles offered for sale within a 12-month period.
- (9) Any other provision of law to the contrary notwithstanding, a violation of Subsection (1), Subsection (5), Subsection (6), Subsection (7), or Subsection (8) shall subject the owner of such motor vehicle to towing fees reasonably necessitated by removal and storage of the motor vehicle and a fine as required by Florida Statutes 318.18.
- (10) This Section does not prohibit the governing body of a municipality or county, with respect to streets, highways, or other property under its jurisdiction, from regulating the parking of motor vehicles for any purpose.
- (11) A violation of this Section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318, unless otherwise mandated by general law.

SECTION 3.

If any portion of this Ordinance is declared invalid, the invalidated portion shall be severed from the remainder of the Ordinance, and the remainder of the Ordinance shall continue in full force and effect as if enacted without the invalidated portion, except in cases where such continued validity of the remainder would clearly and without doubt contradict or frustrate the intent of the Ordinance as a whole.

SECTION 4

The text of Section 2 of this Ordinance shall be codified as a part of the Clermont City Code. The codifier is authorized to make editorial changes not affecting the substance of this Ordinance by the substitution of "Article" for "Ordinance", "Section" for "Paragraph", or otherwise to take such editorial license.

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SECTION 5.

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed


SECTION 5.

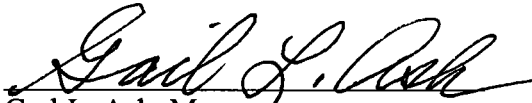
This Ordinance shall be published as provided by law and it shall become law and shall take effect immediately upon its Second Reading and Final Passage

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PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County,
Florida on this 26th day of January, 2016

CITY OF CLERMONT





Gail L. Ash, Mayor

ATTEST


Tracy Ackroyd Howe, City Clerk

Approved as to form and legality


Daniel F. Mantzaris, City Attorney