

ORDINANCE NO. 2024 - _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING SECTIONS 256-4 "PURPOSE", 256-6 "DEFINITIONS", 256-9 "ISSUANCE AND RENEWAL OF PERMITS/DECALS; APPLICATION", 256-10 "REVOCATION OF PERMITS/DECALS", 256-11 "EXCLUSION OF CERTAIN VEHICLES", 256-14 "PARKING RATES & FEES", 256-15 "AUTHORITY OF CITY MANAGER", AND 256-16 "TERM OF PERMITS/DECALS; TRANSFER", OF CHAPTER 256, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF SUNNY ISLES BEACH; REPEALING SECTION 256-12 "HOURS PERMITS ARE VALID", OF THE CODE OF ORDINANCES OF THE CITY OF SUNNY ISLES BEACH ENTITLED "PARKING AUTHORITY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, upon direction of the City Manager of the City of Sunny Isles Beach (the "City"), City staff conducted a thorough review of Chapter 256, Article II of the City's Code of Ordinances ("Parking Authority Section"); and

WHEREAS, upon review of the Parking Authority Section, City staff has determined that several discrepancies need to be resolved; and

WHEREAS, the City Commission finds that it is in the best interest of its residents, visitors, and stakeholders to amend the Parking Authority Section of the City's Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AS FOLLOWS¹:

Section 1. Incorporation of Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part by this Ordinance upon adoption hereof.

Section 2. Amendments. Chapter 256, Article II of the City's Code is amended to read as follows:

* * *

§ 256-5. Purpose.

The purpose of this article is to:

- A. Create pedestrian friendly on-street parking that accommodates our residents, tourists, and visitors ~~and that provides park access and needed on-street parking areas.~~

¹ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, deletions on first reading are shown as ~~striketrough~~ and deletions on second reading are shown as ~~double striketrough~~.

- B. Establish and/or improve transit-related infrastructure including on-street parking areas.
- ~~C. Establish hourly meter rates and monthly parking permit fees, and resident only permits/decals.~~

§ 256-6. Definitions.

The definitions as related to this article in as far as they consider traffic and motor vehicles, the Miami-Dade County Traffic Code, and Florida State Uniform Traffic Control shall be interpreted as described in the applicable state, county, and local laws. The following words and definitions are supplemental and in addition to the above-referenced state, county, and local laws and shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

CITY MANAGER — The City Manager of the City of Sunny Isles Beach or his designee.

DEVELOPMENT SERVICES DIRECTOR — The Development Services Director of the City of Sunny Isles Beach or his designee.

~~**MONTHLY PERMIT/DECAL** — A daytime parking permit issued to the general public allowing parking at metered parking areas for a monthly basis after payment of the required fees, specifically at daytime (6:00 a.m. to 6:00 p.m.).~~

~~**RESIDENT ONLY PARKING PERMIT/DECAL** — The official permit issued in the form of a decal to an applicant a resident after the payment of the appropriate fees and completion of the required permit application. The permit holder shall be entitled to utilize the permit/decals only for the purposes indicated thereon.~~

~~**RESIDENTIAL PARKING PERMIT AREAS** — A Designated residential district parking areas where on-street parking is allowed by issuance of a parking permit/~~decal~~ that is so delineated through striping and/or official signage for specific time periods as may be thereon.~~

~~**SPECIAL MONTHLY PERMIT/DECAL** — A parking permit issued to residents for the parking of commercial and/or recreational vehicles, only within designated areas ~~nighttime parking permit issued to the general public allowing parking at metered parking areas for a monthly basis, after payment of the required fees, specifically at nighttime (6:00 p.m. to 6:00 a.m.).~~~~

~~**TEMPORARY PARKING PERMIT** - A non-resident monthly or yearly parking permit approved by the city manager's office or their designee through an application process and /or agreement that authorizes on street or off-street parking in designated areas.~~

§ 256-8. Resident only parking areas.

- A. All resident only parking areas shall be so designated as provided herein and thereafter through administrative regulation(s) issued by the City Manager.

- B. Each resident only parking area shall become effective as provide by law.
- C. All resident only parking areas shall be so posted and clearly delineated in accordance with the Florida State Manual on Uniform Traffic Control.
- D. Resident only permits/~~decals~~ do not permit free parking in metered areas or parking on private property.

§ 256-9. Issuance and renewal of permits/decals; application.

- A. ~~Unless as authorized through a parking agreement for a Temporary Parking Permit~~ A no parking permit shall be issued except upon ~~written~~ application filed with the Development Services Department. Such application shall be filed on forms prescribed by the City and shall include:
 - (1) A valid government identification (driver's license, identification card, passport) . ~~The license plate number and registration number of the vehicle.~~
 - (2) A car registration and proof of insurance. ~~The year, make, model, and color of the registered vehicle.~~
 - (3) ~~The name and address of the registered vehicle owner.~~ Proof of residency (one of the following):
 - a. Current deed or lease;
 - b. Sunny Isles Beach Resident ID Card;
 - c. Utility bill from within the last three (3) months (electric, cable, or phone (not mobile) etc.) with your name and Sunny Isles Beach address.
- B. The applicant for, and holder of, the parking permit shall be the owner or principal operator of the vehicle receiving the parking decal.
- ~~C. Monthly daytime parking permits/decals in nonmetered areas (6:00 a.m. to 6:00 p.m./no weekends):~~
 - (1)~~C.~~ Upon the applicant's payment of the required monthly parking permit/~~decal~~ renewal fee, verification of the applicant's prior submission of a completed and validated monthly parking permit application and fulfillment of all applicable provisions of this article controlling issuance or renewal, on or before the expiration date of the monthly parking permit, the City Manager or his/her designee shall issue a new monthly parking permit.
 - (2)~~D.~~ The expiration date of the monthly parking permit/~~decal~~ shall be 30 days following the date of issuance of the monthly parking permit.
 - (3)~~E.~~ Monthly pParking permits are nonrefundable and nontransferable, except that permits can be transferred to another vehicle owned by the permit holder, upon the filing of a transfer an application by permittee to the City as provided in this section. The application shall be subject to a transfer fee of \$10.00.
 - (4)~~F.~~ Monthly pParking permits fees shall be paid in full.
- ~~D. Monthly night time parking permits/decals in nonmetered areas (6:00 p.m. to 6:00 a.m./weekends included):~~
 - (1) ~~Upon the applicant's payment of the required monthly parking permit/~~decal~~ renewal fee and, verification of the applicant's prior submission of a completed and validated monthly parking permit application in compliance with all, fulfillment of all applicable provisions of this article controlling issuance or~~

- ~~renewal, on or before the expiration date of the monthly parking permit, the City Manager or his/her designee shall issue a new monthly parking permit.~~
- ~~(2) The expiration date of the monthly parking permit/decal shall be 30 days following the date of issuance of the monthly parking permit.~~
- ~~(3) Monthly parking permits are nonrefundable and nontransferable, except that permits can be transferred to another vehicle owned by the permit holder, upon the filing of a transfer application by permittee to the City as provided in this section. The application shall be subject to a transfer fee of \$10.00.~~
- ~~(4) Monthly parking permits fees shall be paid in full.~~
- E.G. ~~Annual resident only permits/decals in nonmetered areas (24 hours, including weekends):~~ Renewals.
- (1) Upon the applicant's payment of the required ~~resident only~~ permit/decal renewal fee, verification of the applicant's prior submission of a completed and validated parking permit application and fulfillment of all applicable provisions of this article controlling issuance or renewal, on or before the expiration date of the existing parking permit, the City Manager or his/her designee shall issue a new ~~resident only~~ parking permit/decal.
- (2) ~~All resident only parking permits/decals shall~~ can be issued on a monthly basis, or up to 12 total months within the current calendar year. be issued based on the fiscal year, renewable on or before October 1 of each year and expiring on September 30 of the following year.
- (3) Unless as authorized through a parking agreement for a Temporary Parking Permit ~~No~~ no resident only parking permits/decals shall be issued to a vehicle whose owner or principal operator does not reside within the City of Sunny Isles Beach. Proof of residency, as defined indicated by a driver's license or utility bill in this section, shall be submitted to the City with the permit application.
- (4) Until its expiration, surrender, or revocation a ~~resident only~~ parking permit/decal shall remain valid for such time as the holder continues to reside within the City of Sunny Isles Beach.
- (5) ~~Annual resident p~~ Parking permits are nonrefundable and nontransferable, except that permits can be transferred to another vehicle owned by the permit holder upon the filing of a transfer application by the permittee to the City as provided in this section. ~~The application shall be subject to a transfer fee of \$10.00.~~
- (6) ~~Annual resident p~~ Parking permit fees shall be paid in full.
- F.H. All parking physically issued permits/decals shall be displayed on, and visible and readable on from, the inside bottom left hand corner of the front windshield of the vehicle at all times.
- G.I. A parking permit/decal shall not guarantee or reserve a parking space, nor does a parking permit/decal authorize the stopping, standing or parking of any vehicle in such places and during such times where such stopping, standing or parking is prohibited. Notwithstanding anything in this chapter, the City Manager or designee may prohibit parking in designated areas for the following purposes which include, but are not limited to, cleaning the streets, fire and police emergencies, hurricane evacuations, and for any other municipal purposes. Any parking restriction shall be noted on the application for a parking decal and the decal permit.

- H.J. It shall be a violation of this article for any person to duplicate/counterfeit, or attempt to duplicate/counterfeit, by any means, a parking permit authorized herein. It shall be considered a separate violation for any person to display on any vehicle such a duplicate/counterfeit parking permit/~~decal~~.

§ 256-10. Revocation of permits/~~decals~~.

The Development Services Director may revoke any parking permit indefinitely ~~/decal~~ if the permit/~~decal~~ holder is found to be in violation of this article and, upon written notification thereof, the person shall surrender such permit to the Development Services Director or his designee. Failure to surrender a revoked ~~monthly~~ parking permit when requested to do so shall constitute a separate violation of this article. An applicant who has had their permit revoked may not re-apply unless approved by the Director.

§ 256-11. Exclusion of certain vehicles.

Except in specific areas designated by the City Manager or his/her designee, No ~~monthly/annual~~ parking permit shall be issued for vehicles with more than two axles, including but not limited to ~~No monthly/annual parking permit shall be issued for commercial vehicles with more than two axles and commercial and overnight camper vehicles recreational vehicles,~~ except in specific areas designated by the City Manager or his/her designee. No more than two permits shall be issued per person or per household.

§ 256-12. Hours permits are valid.

- A. ~~A monthly permit/decal holder shall have the right to park his/her vehicle(s) during regular business days, excluding weekends, from 6:00 a.m. to 6:00 p.m.~~
- B. ~~An annual resident only parking permit/decal holder shall have the right to park his/her vehicle(s) within designated resident only parking areas 24 hours a day, unless otherwise posted on official signage. If the official signage extends or reduces the permissible hours, the permit/decal holder shall abide by the posted hours.~~
- C. ~~Nighttime parking is permitted with a special nighttime permit/decal from 6:00 p.m. to 6:00 a.m. seven days a week in designated areas.~~

§ 256-1312. Enforcement; collection of fees.

- A. The Development Services Department is hereby authorized and shall be responsible for the collection of fees pursuant to this article.
- B. The Development Services Department and the Sunny Isles Police Department are responsible for and have the authority to enforce this article.
- C. The use of trained parking enforcement specialists is hereby authorized pursuant to and in accordance with Florida State Statute § 316.640.
- D. The provisions of this article are enforceable 24 hours a day, seven days a week.

§ 256-1413. Parking rates & fees.

- A. ~~The parking meter rates at the Ellen Wynne Beach access shall be \$3.00 for each hour and the William Lehman Overpass (Center Island) parking lots shall be \$2.00 for each hour, with a minimum purchase of one hour and a maximum of 12 hours. The rental of the parking lot spaces for special events outside of the normal daily operation shall be \$50.00 per space for up to 12 hours, and a deposit of \$500.00 is required. All parking meter rates and parking permit fees shall be set by resolution of the City Commission, as amended from time to time.~~
- B. ~~The parking meter rates for the parking lots at the Pier Park, under the William Lehman Bridge, at the Bella Vista Park, and at any other municipal parking lot shall be as follows:-~~
- (1) ~~Rate of \$3.00 per hour for parking at Pier Park and \$2.00 per hour for parking under the William Lehman Bridge, at Bella Vista Park, and at any other municipal parking lot, with a maximum purchase of 12 hours. Weekdays shall begin at 12:00 midnight on Monday and terminate at 11:59 p.m. on the Friday that immediately follows.~~
- (2) ~~Flat rate of \$10.00 per day on weekends and City observed holidays, with a maximum of 12 hours. Weekends shall begin at 11:59 p.m. on Friday and end at 11:59 p.m. on Sunday for a 48-hour period.~~
- (3) ~~The rental of the parking lot spaces for special events outside of the normal daily operation shall be \$50.00 per space for up to 12 hours and a deposit of \$500.00 is required.~~
- C. ~~The annual rate for resident only parking permits/decals shall be \$50.00 per month. The fee may be reviewed by the City Manager or his/her designee every two years and may be increased if necessary.~~
- D. ~~The parking rate for resident only commercial/recreational equipment parking under the William Lehman Bridge in designated area is as follows, and the fee may be reviewed by the City Manager or his/her designee every two years and may be increased if necessary:-~~

Type of Fee	Amount of Fee	Comments
Application fee	\$75.00 annually (fiscal year)	Administrative fee
Per vehicle fee	\$2.50 per foot length of the vehicle	
Transfer fee	\$25.00	

§ 256-1514. Authority of City Manager.

The City Commission hereby authorizes the City Manager to do all things necessary to effectuate the terms of this article. The City Manager shall also have the authority to:

- A. ~~Change the hourly meter rate by resolution, from time to time.~~
- B. ~~Change permit/decal fees by resolution from time to time.~~
- C. A. Post or cause to be posted parking regulation signs throughout the City as is necessary, in accordance with the Florida State Manual on Uniform Traffic Control.

- ~~D.~~B. Designate, by administrative regulation, parking and no-parking areas throughout the City from time to time.
- ~~E.~~C. Impose a reasonable limit of time in all parking and/or no-parking areas as to when parking will be allowed or prohibited.
- ~~F.~~D. Suspend parking enforcement in designated areas in emergency circumstances or as may be necessary from time to time.

§ 256-1615. Term of permits/~~decals~~; transfer.

- A. Upon the holder's payment of the required parking permit/~~decal~~ transfer fee, the submission of a completed and validated residential parking permit application, and surrender of the existing monthly parking permit, the holder shall receive a new residential parking permit to be transferred to another qualifying vehicle.
- B. Upon the holder's payment of the required ~~monthly~~ parking permit/~~decal~~ replacement fee, verification of the holder's prior submission of a completed and validated monthly parking permit application, renewal or transfer of monthly parking permits, and affirmation that the holder's permit was lost, stolen, or destroyed, the holder shall receive a new monthly parking permit. The lost, stolen or destroyed permit shall be considered void, and any use of a voided permit is prohibited.
- C. The transfer or replacement of the parking permit/~~decal~~ shall not affect the permit's original expiration date.
- ~~D. All resident only parking permits/decals shall be issued based on the fiscal year, renewable on or before October 1 of each year and expiring on September 30 of the following year.~~

Section 3. Severability. 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, clause, 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 4. Inclusion in the Code. It is the intention of the Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the code of the City of Sunny Isles Beach, Florida; and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "ordinance" shall be changed to "section" or other appropriate word, as required.

Section 5. Repealer. All ordinances or part of ordinances in conflict herewith be and the same are hereby repealed.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED AND ADOPTED on first reading the ____ day of May, 2024.

PASSED AND ADOPTED on second reading the ____ day of June, 2024.

Larisa Svechin, Mayor

ATTEST:

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

Mauricio Betancur, CMC, City Clerk

Alain E. Boileau, for Nabors, Giblin
& Nickerson, P.A., City Attorney

First Reading

Second Reading

Motion: _____

Motion: _____

Second: _____

Second: _____

Vote on First Reading:

Mayor Svechin
Vice Mayor Lama
Commissioner Joseph
Commissioner Stuyvesant
Commissioner Viscarra

____ (Yes) ____ (No)
____ (Yes) ____ (No)
____ (Yes) ____ (No)
____ (Yes) ____ (No)
____ (Yes) ____ (No)

Vote on Second Reading:

Mayor Svechin
Vice Mayor Lama
Commissioner Joseph
Commissioner Stuyvesant
Commissioner Viscarra

____ (Yes) ____ (No)
____ (Yes) ____ (No)
____ (Yes) ____ (No)
____ (Yes) ____ (No)
____ (Yes) ____ (No)