

INTRODUCED BY:
Councilor Weldon



ORDINANCE NO. 2010-13

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADDING SECTION 22-5 IMMOBILIZING OF VEHICLES AND AMENDING 22-26 SCHEDULE OF STREETS, DISTRICT AND ZONES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Neptune Beach has determined that it is necessary to amend the following.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA, that:

Section 1. Section 22-5, Immobilizing of Vehicles shall be added as follows:

Sec. 22-5 Immobilizing of Vehicles

- (a) A Neptune Beach police officer is authorized to attach a device that is capable of immobilizing a motor vehicle so that it cannot be moved under its own power without damage to the motor vehicle.
 - (1) When three or more citations for unlawful or illegal parking involving any motor vehicle bearing the license plate that has been cited, have been outstanding for more than 15 days and have not been disposed of by payment of the fine or cancellation of the citations.
 - (2) When the vehicle is not lawfully displaying a license plate in accordance with F.S. 316.605, or the vehicle identification number is covered in such a manner as to prohibit a law enforcement officer from reading it; or
 - (3) When the vehicle has an altered registration, license plate, citation, or validation sticker in violation of Florida Statute 320.06
- (b) The immobilizing device shall be attached to the motor vehicle at the place where it is found, except that no motor vehicle shall be immobilized within the traveled portion of a street or on a portion of a street when immobilization at that place would create a hazard to the public or to traffic on the street. At the same time as the immobilizing device is attached to the motor vehicle, a notice shall be affixed to the windshield or other prominent place on the motor vehicle stating that the immobilizing device has been so attached, cautioning the operator not to attempt to operate the motor vehicle while the immobilizing device is still attached and informing the owner or operator of the motor vehicle of the number and age of and total fines and charges assessable under the citations

for which the motor vehicle is immobilized (including the removal charge for removal of the immobilizing device and all citations that are outstanding and incurred at the time of immobilization) and where they must go in order to pay the fines and charges and have the immobilizing device removed from the motor vehicle.

- (c) The immobilizing device shall be removed from the motor vehicle upon correction of any violation and payment of the total fine and charges for which the motor vehicle is immobilized. The Neptune Beach police officer may approve the removal of the immobilizing device upon proof of payment of the fines and charges and upon correction of any violation.
- (d) The police officer or his designee may tow or cause to be towed and impounded a motor vehicle immobilized under this Section if payment of fines and charges or satisfactory arrangements in lieu thereof have not been paid or obtained within 24 hours of the attaching of the immobilization device. Under certain circumstances, such as the driver or owner threatening to remove the immobilizing device, the police officer shall have the option of towing the vehicle at the time the vehicle is immobilized. All expenses for towing or impounding shall be borne by the owner of the motor vehicle. All towing or impounding hereunder shall be done in accordance with this Chapter.

Section 2. Section 22-26, Schedule Of Streets, District And Zones shall be amended as follows:

Sec. 22-26. Schedules of streets, district and zones.

(a) *Through streets.* When signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection.

(b) *Parking prohibited at all times.* When signs are erected giving notice thereof, no person shall at any time park a vehicle upon any streets or parts of streets.

(c) *Parking prohibited during certain hours on certain streets.* When signs are erected giving notice thereof, no person shall park a vehicle between the hours specified thereon on any day within the city.

(d) Reserved.

(e) *Parking prohibited between curbing and sidewalks on First Street and Third Street.* Parking of motor vehicles on the public right-of-way between the curb and the sidewalk on each side of First Street and each side of Third Street in the city is prohibited.

(f) *Parking on private property within residential districts.* Parking motor vehicles on private property within residential districts in the city without the permission of the owner or occupant of the property or premises is prohibited.

(g) *Penalty for parking violations.* Parking violations under this section shall carry a penalty of thirty-five dollars (\$35.00) for each offense.

(h) *Cost of Immobilizing of Vehicles.* The cost of removing the immobilizing device on vehicles as set in Sec. 22-5 shall be fifty dollars (\$50.00).

Section 3. The Ordinance shall become effective immediately upon its passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Harriet Pruette	Yes
Vice Mayor Fred E. Lee	Yes
Councilor Eric Pardee	Yes
Councilor Kara Tucker	Yes
Councilor John Weldon	Yes

Passed on First Reading this 12th day of July, 2010.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Harriet Pruette	Yes
Vice Mayor Fred E. Lee	Yes
Councilor Eric Pardee	Yes
Councilor Kara Tucker	Yes
Councilor John Weldon	Yes

Passed on Second and Final Reading this 2nd day of August, 2010.

Harriet Pruette
Mayor

ATTEST:

Lisa Volpe, CMC
City Clerk

Approved as to form and correctness:

Christopher A. White
City Attorney