

INTRODUCED BY:

MAYOR BROWN



ORDINANCE NO. 2019-07

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING A CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, BY ADDING A NEW ARTICLE IV, SECTIONS 22-44—22-56, CONTROLLED AND METERED PARKING AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Neptune Beach has determined that it is necessary to amend Chapter 22 as set forth below:

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

Section 1. Chapter 22, Traffic and Motor Vehicles, Article IV, Sections 22-44—22-56, be added as follows:

ARTICLE IV. CONTROLLED AND METERED PARKING

Sec. 22-44. Parking meter zone designation.

The City Manager, after review by the City Council, is authorized to establish controlled and/or metered parking zones in City of Neptune Beach to designate parking spaces for automobiles in the right-of-way and to fix the time limitations for lawful parking in a manner consistent with the schedule of controlled and/or metered parking zones. The City Manager, after review by the City Council shall establish the hours during which persons will be required to make payment for the use of a designated parking space.

Sec. 22-45. District parking operator.

To the extent permitted by law after review by the City Council, is authorized to delegate the implementation and enforcement of this article to a private entity. As used in this article, the term "district parking operator" means such private entity or, in the absence of a private entity, shall mean city personnel authorized to implement and enforce this article.

Sec. 22-46. Penalties.

Any person convicted of violating any section of this Article shall be punished as provided in Chapter 22, Traffic and Motor Vehicles.

Sec. 22-47. Installation and removal of parking meters and posts and kiosks.

- (a) The City Manager shall direct parking meters or kiosks to be installed under the authority of this article and to be placed within City right-of-way or upon the curbs adjacent to the designated parking spaces. Each meter or kiosk shall carry upon its face operating instructions for the collection of payment.
- (b) Parking meters and parking meter posts or kiosks may be temporarily removed and/or reinstalled by the district parking operator to facilitate construction or repair work ,providing such construction or repair work has been permitted or approved by the City of Neptune Beach.. Any person desiring such temporary removal of a parking meter and/or parking meter post shall apply to the district parking operator for a permit and shall pay the actual costs incurred for removal and/or reinstallation of the meter and/or meter post. In addition to the removal permit fees provided for in this subsection, the permit holder shall pay to the district parking operator, at the time of issuance of the permit, the monthly or daily parking meter rental charge as set forth in section 22-51.

Sec. 22-48. Marking of parking spaces.

- (a) The City Manager, if it is deemed necessary or appropriate in the interest of the proper regulation of traffic and parking, is authorized to clearly mark designated parking spaces by placing painted lines upon the city curbs and streets adjacent to parking meters. It shall be unlawful to park a vehicle across a line or marking so that the vehicle is not entirely within the area for parking designated by lines or markings.
- (b) When a parking space in a controlled and/or metered parking zone, whether marked by lines or not, is parallel with or diagonal to the adjacent curb, sidewalk or edge of pavement, a vehicle, with the exception of motorcycles, shall be parked head-in and in the space so that the front of the vehicle is nearest to the parking meter, and it shall be unlawful to park a vehicle in the parking space in any other manner.

Sec. 22-49. Metered parking charges; overtime parking; renting parking meters.

- (a) When a vehicle is parked or standing in a space adjacent to which a parking meter is located, the vehicle operator shall immediately deposit or cause to be deposited in the parking meter or kiosk payment required for the parking according to a rate to be displayed upon the face of the meter using approved methods of payment as displayed on the meter or kiosk. Upon payment, the parking space may be lawfully occupied by a vehicle during the period of parking time which has been prescribed for the part of the street on which the parking space is located or for that portion of time covered by the payment so deposited, whichever is less. If the vehicle remains parked in the parking space beyond the parking time fixed for that parking space or the parking time paid for by the payment, whichever is less, the vehicle shall be considered illegally parked.
- (b) The district parking operator is authorized to issue permits and to rent parking spaces in the district to construction and repair entities for the purpose of facilitating the temporary needs of such entities for working space on city streets for the period of time during which the work is being performed and for such other lawful use as determined by the city council. Signage to indicate such rental use shall be placed in each space so rented and shall be issued by the district parking operator at a rental rate established.

Sec. 22-50. Additional parking prohibited.

No person shall deposit any additional payment in a parking meter or kiosk for the purpose of increasing or extending the parking time for a vehicle beyond the lawful parking time limitation which has been established for the zone in which the space is located.

Sec. 22-51. Rates and charges established for specific zones; payments.

- (a) The rates and charges for the use of the services and facilities of parking spaces in the schedule of parking meter zones are fixed at a minimum of \$1.00 for each 30 minutes as of the initial implementation and enforcement. The City Manager is authorized to modify rates, establish maximum daily rates and establish time zones as may be required to meet market demands. Such modifications and designations are subject to review by City Council, but do not require additional Council action.
- (b) No payment shall be deposited in a parking meter or kiosk in a slot other than the slot clearly designated for the purpose of accepting payment of the particular denomination and type deposited. If a parking meter or kiosk is designed to accept a denomination and type of payment which, at the established rate of parking in the zone in which the meter or kiosk is located, would result in an overpayment for parking, an instruction shall be placed on the meter or kiosk that the deposit of the payment will not afford additional lawful parking time, and such payment shall not afford additional lawful parking time in the designated space.
- (c) Controlled parking zones may be modified by the City Manager as part of the special event master plans up to a maximum of 30 days per year.

Sec. 22-52. Counterfeit payments prohibited.

No person shall deposit or cause to be deposited in a parking meter or kiosk a false or counterfeit bill, or object other than lawful tender of the United States. If a false or counterfeit bill, or other object is discovered the Chief of Police shall be notified.

Sec. 22-53. Damage to meters and kiosks prohibited.

No person shall deface, injure, tamper with, open, impair the usefulness of or otherwise damage a parking meter or kiosk.

Sec. 22-54. Unlawful removal of payment from parking meters or kiosks.

No person, except an employee of the City or an authorized agent or employee of the district parking operator, shall remove or cause to be removed money from a parking meter or kiosk.

Sec. 22-55. Disposing of tickets.

Under this article, no person shall dispose of a parking ticket except in the manner provided by law.

Sec. 22-56. Immobilizing and towing of vehicles.

- (a) The City or the district parking operator, upon approval from the Chief of Police, is authorized to attach a device that is capable of immobilizing a motor vehicle so that it

cannot be moved under its own power whenever such vehicle is found to be illegally parked in violation of this article, provided there are three outstanding parking tickets issued to the vehicle under this article.

- (b) The immobilizing device shall be attached to the motor vehicle at the location where the vehicle is parked, 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 such location will create a hazard to the public or traffic on the street. At the time the immobilizing device is attached to a motor vehicle, a notice shall be affixed to the windshield or other prominent place on the motor vehicle stating the following:
 - (1) The immobilizing device has been so attached;
 - (2) The operator should not attempt to operate the motor vehicle while the immobilizing device is attached;
 - (3) The total amount of fines and charges due for illegal parking and immobilization; and
 - (4) Where the operator may pay the fines and charges to have the immobilizing device removed from the motor vehicle.
- (c) The immobilizing device shall be removed from the motor vehicle upon payment to the district parking operator of the total fines and charges due. The district parking operator may approve the removal of the immobilizing device upon obtaining a satisfactory arrangement for payment of the fines and charges or upon posting of a cash or surety bond in the amount of the fines and charges due if the owner or operator of the vehicle desires to contest the parking citation issued to the vehicle.
- (d) The district parking operator, upon approval of the Chief of Police, or designee, may cause to be towed and impounded any motor vehicle immobilized under this section if payment of fines and charges or satisfactory arrangements in lieu thereof have not been paid or arranged within 24 hours of the attachment of the immobilization device. As an alternative to immobilizing a motor vehicle as provided in this section, the district parking operator, upon approval of the Chief of Police, or designee, may immediately cause to be towed any illegally parked motor vehicle. All expenses for towing and impoundment shall be the responsibility of the owner of the motor vehicle.

Section 2. This Ordinance shall become effective after passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Scott Wiley	NO

Passed on First Reading this 17th day of June, 2019.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Scott Wiley	NO

Passed on Second and Final Reading this 1st day of July, 2019.



Elaine Brown, Mayor

ATTEST:



Catherine Ponson, City Clerk

