

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 70, "GENERAL PROVISIONS," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 70.11, "ILLEGALLY-PARKED VEHICLES," TO MODIFY FINES FOR UNLAWFUL PARKING IN A TIME LIMITED PARKING ZONE; AND AMENDING CHAPTER 76, "PARKING METERS," BY AMENDING SECTION 76.07, "TIME LIMITED PARKING ZONES," AND SECTION 76.08, "ENFORCEMENT," TO MODIFY LANGUAGE FOR CERTAIN ACTS PROHIBITED IN SUCH ZONES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notices described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 70.11, "Illegally-Parked Vehicles," of Chapter 70, "General Provisions," of the Code of Ordinances of the City of Pompano Beach, Florida, is hereby amended to read as follows:

§ 70.11 ILLEGALLY-PARKED VEHICLES.

...

(B) (1) The owner or operator of any motor vehicle receiving a notice as provided in subsection (A) above shall pay to the city as a penalty for and in satisfaction of the violation the sum of \$45 within 14 days after issuance of the citation.

(2) The penalty for parking in a space reserved for disabled persons without the parking permit, license plate, taglet or other statutorily recognized standard as required by law shall be the sum of \$250.

(3) The penalty for violations of § 71.07, Commercial Vehicles in the Right-of-Way, shall be the sum of \$150 per day for each violation in addition to removal by towing as provided in said section.

(4) The penalty for parking in a time limited parking zone in violation of §76.08(b)(5), shall be \$200 for any initial violation and \$400 each for a second or subsequent violation. In addition, any vehicle found in violation of the same may be immobilized by the City, or towed by the City's authorized towing provider, if the vehicle is impeding or obstructing the safe movement of other vehicles or pedestrians.

(5) In the event the city is not noticed pursuant to the provisions as contained in subsection (C)(1) below within 14 days of the issuance of the parking citation and the penalty assessed for the parking violation is not satisfied within 14 days of the issuance thereof, the penalty for the violation shall be increased by the sum of \$15. In the event the city is not noticed pursuant to the provisions as contained in subsection (C)(1) below within 30 days of the issuance of the parking citation and the penalty assessed for the parking violation is not satisfied within 30 days of the issuance thereof, the penalty for the violation shall instead be increased by the total sum of \$30. Failure to pay any penalty for parking violations shall be a violation of this chapter and the responsible parties shall be subject to appropriate action which shall include, but not be limited to, the matter being turned over to a collection agency, having an immobilizing device placed on the vehicle, or have a hold placed on the license plate, until such time as all unpaid citations have been paid.

(C) (1) Any person who chooses to contest the citation and elects to appear before a county judge or other officially designated individual to present evidence regarding a parking citation shall be deemed to have waived their right to pay the civil penalty provisions as provided for in this section. All such persons shall provide notice to the city of their request to contest the parking citation within 14 days after the citation is issued as directed on the citation. Failure to timely request the right to contest the citation before a judge or other authorized official shall constitute a waiver of the right to do so

(2) The county judge, after a hearing, shall make a determination as to whether a parking violation has been committed and shall

impose a civil penalty not to exceed \$100, unless otherwise indicated, plus court costs for parking violations, and \$250, plus court costs for disabled parking violations as permitted by F.S. § 316.008(4). The court may direct all or part of any parking fines and court costs imposed by paid directly to the city. Both the city and the court are authorized to take appropriate measures to enforce the collection of any fines and costs imposed from any person or owner of any motor vehicle found to be in violation who fails to pay the civil penalty within the time allowed by the court.

...

SECTION 2. That Section 76.07, “Time Limited Parking Zones,” of Chapter 76, “Parking Meters,” of the Code of Ordinances of the City of Pompano Beach, Florida, is hereby amended to read as follows:

§ 76.07 TIME LIMITED PARKING ZONES.

The City Manager or Parking Manager are each authorized to determine and designate time limited parking zones, where it is determined that the limitation on the length of time vehicles may be parked shall be necessary to aid in the regulation, control, and inspection of parking vehicles.

...

(B) *Thirty minute delivery or loading zone.*

(1) Parking or standing a vehicle, including a truck or van, in a designated space shall be lawful for a maximum of 30 minutes. Meter zone fees shall apply.

...

(4) Deliveries shall be permitted only during the designated authorized time period ~~will be~~ and are limited to 30 minutes, and vehicle operators must turn off the vehicle’s engine during deliveries.

...

SECTION 3. That Section 76.08, “Enforcement,” of Chapter 76, “Parking Meters,” of the Code of Ordinances of the City of Pompano Beach, Florida, is hereby amended to read as follows:

§ 76.08 ENFORCEMENT.

...

(B) *Certain acts prohibited and subject to penalty per City Code of Ordinances § 70.11, Illegal Parked Vehicles.* It shall be unlawful and a violation of the provisions of this chapter, subject to penalty per City Code of Ordinances § 70.11, Illegally Parked Vehicles, for any person to cause, allow, permit, or suffer any vehicle registered in their name to:

(1) Be parked in a parking meter zone and failing to pay the meter fee;

...

(5) Be parked, make deliveries or load in a time limited parking zone for longer than the maximum time permitted; or parked, make deliveries or load in such a zone during times when not permitted. Enforcement of this subsection shall not preclude additional enforcement for any violations of Chapter 316, Florida Statutes;

...

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2023.

PASSED SECOND READING this _____ day of _____, 2023.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

MEB/mcm:jrm
5/30/23
l:ord/ch70/2023-177