

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 OF COMMERCIAL VEHICLES IN THE CITY'S RIGHTS-OF-WAY; AND AMENDING CHAPTER 71, "TRAFFIC RULES," BY AMENDING SECTION 71.07, "COMMERCIAL VEHICLES STORED IN RIGHT-OF-WAY," TO MODIFY PENALTIES FOR UNLAWFUL PARKING OF TRACTOR-TRAILER RIGS IN THE CITY'S RIGHTS-OF-WAY; 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.

(A) Whenever any motor vehicle is found parked, stopped, or standing, in violation of any of the restrictions imposed by city ordinance or applicable state

statute, the law enforcement officer or parking enforcement specialist or code enforcement officer who is certified to issue such citations finding the vehicle shall take its license tag number, and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a parking citation on a form provided by the Chief of Police or his designee for the driver to answer to the charge against him within the time prescribed below. Each day a vehicle is found in violation shall constitute a separate offense.

(B) 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 fourteen (14) days after issuance of the citation. 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. 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. 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.

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SECTION 2. That Section 71.07, “Commercial Vehicles Stored in Right-of-Way,” of Chapter 71, “Traffic Rules,” of the Code of Ordinances of the City of Pompano Beach, Florida, is hereby amended to read as follows:

§ 71.07 COMMERCIAL VEHICLES STORED IN RIGHT-OF-WAY.

(A) *Definitions.* For purposes of this section, the following definition shall apply:

(1) **COMMERCIAL VEHICLE.** Any automobile, station wagon, light van, pick-up truck, bus, step van, truck, trailer, utility trailer, truck

tractor, agricultural, construction, or industrial equipment, or any vehicles designed, intended, or used for transportation of people, goods, or things for profit to which may be attached to or visible on the exterior or in the open bed of such vehicle, commercial lettering, tools, building materials, merchandise, ladders, pipes, racks, emergency flashing or rotating lights, or the vehicle has an altered or removed cargo box. An attached toolbox shall not constitute an altered cargo box. Those vehicles commonly referred to as tractor-trailer rigs, which includes tractor trucks with or without a trailer attached, a trailer, wreckers, tow trucks, dump trucks, tankers, garbage trucks, tractors, box trucks and/or hoist trucks shall all be deemed to be commercial vehicles; or

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(D) (1) Tractor-trailer rigs, as defined in subsection (A)(1) above, unlawfully parked in violation of this section, within a residentially-zoned area, are deemed to constitute a hazard to vehicular traffic and pedestrians, and in addition to a citation, are subject to immediate removal by a law enforcement officer or code enforcement officer by towing, at the owner's expense.

(2) Parking violations of this section by Tractor-Trailer rigs, as set forth in subsection (1) above, not occurring within residentially-zoned districts, may be removed by towing by a law enforcement officer or code enforcement officer if the tractor-trailer is not removed within 24 hours from the issuance of the citation.

~~(D)~~ E *Exceptions.*

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~~(E)~~ F Violation of this section shall be punishable by parking citation for each day in violation, pursuant to the procedures and penalties in § 70.11. Any such vehicle in violation of this section which presents an immediate hazard to vehicular or pedestrian traffic may be impounded pursuant to the provisions of § 70.13.

SECTION 3. 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 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2022.

PASSED SECOND READING this _____ day of _____, 2022.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
7/21/22
l:ord/ch70/2022-248