

**ORDINANCE NO. 75-19-21**

**AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, COUNTY OF DUVAL, STATE OF FLORIDA, AMENDING CHAPTER 21, TRAFFIC AND MOTOR VEHICLES, ARTICLE II – STOPPING, STANDING AND PARKING ON PUBLIC PROPERTY, TO ADD NEW DIVISION 3, CONTROLLED AND METERED PARKING; PROVIDING FOR CONFLICT, FOR SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and

**WHEREAS**, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and

**WHEREAS**, the City Commission desires to create regulations as part of Chapter 21 of the Code of Ordinances establishing provisions and procedures to authorize and regulate controlled and metered parking within the boundaries of the City; and

**WHEREAS**, the City Commission of the City of Atlantic Beach has determined that it is necessary to amend Chapter 21 to add controlled and metered parking as set forth below; and

**WHEREAS**, the City Commission shall receive a report from the City Manager during the first quarter of 2021 evaluating the controlled and metered parking program within the City; and

**WHEREAS**, the City Commission considered this Ordinance after proper public notice and comments from staff and the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:**

**SECTION 1. Regulation Amended.** Article II of Chapter 21, Traffic and Motor Vehicles, of the Code of Ordinances of the City of Atlantic Beach is hereby amended to add new Division 3 . – Controlled and Metered Parking, as follows:

**Division 3. - CONTROLLED AND METERED PARKING**

**Sec. 21-43. – General provisions.**

(a) The City Manager, after review and approval by resolution by the City Commission, is authorized: to establish controlled and metered parking zones (“metered parking zones”) within the City of Atlantic Beach; to designate parking spaces within such metered parking zones; and

to fix the time limitations for lawful parking in a manner consistent with the schedule of metered parking zones. The City Manager, after review and approval by resolution by the City Commission, shall establish the schedule and hours during which persons will be required to make payment for the use of a designated parking space within a metered parking zone.

(b) Notwithstanding any other provision of the Atlantic Beach Code of Ordinances to the contrary and to the extent permitted by law and after review and approval by resolution by the City Commission, the City Manager is authorized to delegate the implementation and enforcement of this Division 3 to a “district parking operator” which may be an individual, City personnel or a public or private entity, subject to all procurement provisions contained in Chapter 2, Article VII, Division 2, Purchasing, as may be applicable. As used in this Division 3, the term "district parking operator" means such duly designated person or entity, or, in the absence of a duly designated person or entity, shall mean city personnel authorized to implement and enforce this Chapter 21.

(c) Violations of any section of this Division 3 shall be punishable as set forth herein.

(d) Installation and removal of parking meters and posts and kiosks.

(i) The City Manager shall direct parking meters, posts or kiosks to be installed under the authority of this Division 3 and to be placed within City rights-of-way or upon other City property located within metered parking zones. Each meter, post or kiosk shall carry upon its face operating instructions for the collection of payment and parking time limitations.

(ii) Upon approval by the City Manager or designee, parking meters, parking meter posts or kiosks may be temporarily removed and reinstalled by the district parking operator to facilitate construction or repair work, providing such construction or repair work has been permitted and approved by the City of Atlantic Beach. Any person desiring such temporary removal of a parking meter, parking meter post and/or kiosk shall apply to the district parking operator for a removal permit and shall pay the actual costs incurred for removal and reinstallation of the meters, meter posts and kiosks. In addition to the removal permit fees provided for in this subsection, the applicant shall pay, at the time of issuance of the removal permit, the parking rental charge as set forth in this Division for the duration of the removal period. All fees shall be payable to the City.

(e) Marking of parking spaces.

(i) If the City Manager deems it necessary or appropriate in the interest of the proper regulation of traffic and parking, the city manager is authorized to clearly mark designated parking spaces by placing painted lines upon the city curbs and streets within metered parking zones. 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.

(ii) When a designated parking space located within a 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 or, if there is a parking meter in the space so that the front of the vehicle is nearest

to the parking meter and facing in the same direction as the traffic flow on the applicable side of the street. It shall be unlawful to park a vehicle in a designated parking space in any other manner.

**Sec. 21-44. - Metered parking charges; overtime parking; enforcement.**

(a) When a vehicle is parked or standing in a designated parking space located within a metered parking zone, the vehicle operator shall immediately deposit or cause to be deposited in the parking meter or kiosk payment required for the parking according to the rate specified upon the face of the meter or kiosk, using approved methods of payment as displayed on the meter or kiosk. Upon payment, the designated parking space may be lawfully occupied by a vehicle during the period of parking time which has been prescribed for the metered parking zone or for that portion of time covered by the payment so deposited, whichever is less. If the vehicle remains parked in the designated parking space beyond the parking time fixed for that metered parking zone 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 citations for parking violations within metered parking zones in accordance with the schedule of fines set forth in Section 21-38. Citations shall substantially comply with the form of citations set forth in Section 21-37, except that citations may be signed by the district parking operator issuing the citation.

(c) 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 metered parking zone in which the space is located.

(d) The rates and charges for the use of the services and facilities of designated parking spaces located within metered parking zones are fixed at a minimum of fifty cents (\$0.50) for each thirty (30) minutes for Atlantic Beach residents who have registered for paid parking with the City and one dollar (\$1.00) for each 30 minutes for all others, as of the initial adoption of this Division 3. The City Manager may modify these rates, establish minimum and maximum daily and monthly rates and establish time zones as may be required to meet market demands. Such modifications to the rates are subject to review and approval by the City Commission.

(e) 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 rental rate for parking in the metered parking 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.

(f) 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 Director of Public Safety or designee shall be notified.

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

(h) No person, except the district parking operator or an authorized agent or employee of the district parking operator, or in the event the City Manager has not designated a district parking operator, then the City Manager or the City Manager's designee, shall remove or cause to be removed money from a parking meter or kiosk.

(i) Under this Division, no person shall dispose of a parking ticket except in the manner provided by law.

**Sec. 21-45. - Immobilizing and towing of vehicles.** Notwithstanding any other provisions of this Atlantic Beach Code of Ordinances to the contrary, the following shall be applicable within all metered parking zones:

(a) The district parking operator, upon approval from the Director of Public Safety or designee, 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 Division, provided there are three or more unpaid parking tickets issued to the same vehicle under this Division.

(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 district parking operator, upon approval from the Director of Public Safety or designee, 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 Director of Public Safety or designee, may cause to be towed and impounded any motor vehicle immobilized under this section in accordance with Article III, Wrecker Service, of this Chapter 21, if payment of fines and charges or satisfactory arrangements in lieu thereof have not been paid or arranged within

**7/29/2019**

twenty four (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 Director of Public Safety or designee, may immediately cause to be towed any illegally parked motor vehicle where such violation creates a public safety concern. All expenses for towing and impoundment shall be the responsibility of the owner of the motor vehicle pursuant to Section 21-51.

**SECTION 2. Conflict.** All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

**SECTION 3. Severability.** If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

**SECTION 4. Effective Date.** This ordinance shall take effect upon final reading and approval.

PASSED by the City Commission on first reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED by the City Commission on second and final reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF ATLANTIC BEACH

\_\_\_\_\_  
Ellen Glasser, Mayor

Attest:

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Donna L. Bartle, City Clerk

Approved as to form and correctness:

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Brenna M. Durden, City Attorney