

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING CHAPTER 70.- TRAFFIC AND VEHICLES, SECTION 70-38. PARKING PROHIBITIONS OF THE CODE OF ORDINANCES TO PROVIDE FOR METERED PARKING AND REMOVING RESERVED PARKING BY ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Indian Shores Florida desires to install parking meters on all Town owned parking lots within its jurisdiction; and

WHEREAS, the demand for beach parking has increased in all Town parking lots; and

WHEREAS, the Town Council desires to revise its current parking prohibitions to remove any specially conferred benefits inconsistent with the proper use of public lands; and

WHEREAS, the Town desires the parking prohibitions on Town owned parking lots to be consistent throughout the Town; and

WHEREAS, the Town Council may enact rules, regulations and prohibitions for parking on public property for a public purpose pursuant to its Home Rule Authority; and

WHEREAS, it is in the best interests of the citizens and visitors of the Town to have orderly, consistent parking and beach access;

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES:

SECTION I

That the above recitals are true and correct, and hereby incorporated as if fully set forth herein.

SECTION II

That Sec. 70-38. Parking prohibitions, in Chapter 70. – Traffic and Vehicles, of the Indian Shores Code of Ordinances, shall hereby be revised to read as follows:

Sec. 70-38. Parking prohibitions.

- (a) Parking of motor vehicles on the right-of-way of Gulf Boulevard (State Road 699) and within nine feet of the trafficway thereof is prohibited as specified by state department of transportation regulations.

- (b) Parking of motor vehicles east or west of the right-of-way of Gulf Boulevard on any street or avenue within the town is permitted, except as may be posted otherwise.
- (c) No person shall stop, stand or park a motor vehicle within any public or private parking space specially designated or marked for disabled persons, as provided in F.S. §§ 316.1955 and 316.1956, without a duly issued disabled parking permit or unless such vehicle is chauffeuring a disabled person and is making a momentary stop to load or unload such disabled person. Any person who violates this section shall be subject to a fine of \$250.00.
- (d) Motor vehicles parked on public streets, ~~or in designated spaces on town property~~, or on the public rights of way where permitted, including projecting into the public right-of-way, shall not remain parked for a continuous period of more than 72 hours.
- (e) Parking of detached trailers, licensed or unlicensed, is prohibited on streets, town property or rights-of-way.
- (f) The placing of any material or other physical item in a designated public parking space, including the situating of a motor vehicle in more than one space, in an attempt to reserve such space or spaces or otherwise obstruct the parking privileges of the public is hereby prohibited.
- (g) ~~Reserved Metered parking. The town council, in its sole discretion, may designate by resolution reserved parking spaces on town rights-of-way for the exclusive use of occupants of specific properties within the town subject to the following terms, conditions and provisions. All parking in Town-owned parking lots shall be metered subject to the following conditions:~~
 - (1) ~~The decision to designate reserved parking spaces and the number of spaces to be designated shall be totally discretionary on the part of council. The council, at its sole discretion, may revoke, limit, or amend by resolution any prior resolution designating reserved parking spaces. The designation of reserved parking spaces does not create or confer any right, title, interest, or property interest on the part of the affected property owners or occupants, and the affected property owners or occupants shall have no legal or equitable recourse against the town or its agents, employees, officers or officials as a result of any decision to designate or not designate reserved parking spaces or any decision to revoke, limit or amend any prior resolution designating reserved parking spaces.~~
 - (2) ~~Property owners shall be responsible for identifying authorized users of reserved parking spaces. Only occupants of the property may be authorized to use the reserved parking spaces designated for a property. The town shall enumerate the total number of authorized users for any designated reserved parking spaces associated with a property. Property owners shall maintain a current list of the names and addresses of the authorized users of reserved parking spaces, a description of the make, model and year of all motor vehicles authorized to park in reserved parking spaces and the license plate number of all motor vehicles authorized to park in reserved parking spaces, and shall produce the same upon demand of any town official or officer.~~
 - (3) ~~All vehicles authorized to park in reserved parking spaces shall display a decal, sign or other appropriate marker, approved by the town, indicating that such vehicles are authorized to park in a reserved parking space. The cost of such decals, signs or~~

~~markers shall be borne by the property owner. Such decals shall be obtained from the town upon appropriate application in a form designated by the town.~~

(4) ~~Holders of decals, signs, or markers authorizing parking in reserved parking spaces shall surrender the same to the town upon demand. Receipt of a decal, sign or marker authorizing a vehicle to park in reserved parking spaces does not create or confer any right, title, interest, or property interest on the part of the recipient, and the recipient shall have no legal or equitable recourse against the town or its agents, employees, officers or officials as a result of any decision to issue or not issue a decal, sign or marker or any decision to revoke or rescind a decal, sign or marker.~~

(5) ~~Property owners shall compensate the town for the cost of posting whatever signage the town deems necessary to designate reserved parking spaces.~~

(6) ~~Any vehicle not bearing an appropriate decal, sign or marker authorizing parking in designated reserved parking spaces which parks in a reserved parking space shall be considered to be improperly parked and shall be subject to a fine for improper parking.~~

(1) The parking meters shall be payable from 7:00 A.M. until 5:00 P.M. daily, and parking shall be free from 5:00 P.M. until 12:00 A.M. (midnight). Overnight parking is prohibited, unless otherwise designated. Designated parking for disabled persons shall not be metered.

(2) Town employees, residents, and property owners may park in any Town lot with a properly displayed permit. The Town Council shall adopt by Resolution the process for issuance of the permit, the designation of reserved parking spaces, and the permit fee, if any.

(h) The following parking practices in the town are declared to be illegal, and any violation of such parking restrictions shall subject the violator to the specific fines:

Violation	Fine
Overtime parking	\$50.00
Boat trailers only	50.00
Improper parking	50.00
No parking zone	50.00
Fire lane/zone	50.00
<u>Permit/decal only</u> Meter Expired/Not Paid	50.00
Lot closed	50.00
Other, to wit:	50.00
Double parking	50.00
Loading zone	50.00
No trailers	50.00

The amount of such fines shall be doubled if not paid within 15 days of the date of the violation.

(i) *Exceptions.* Nothing in subsections (d), (e) or (f) shall prohibit a governmental agency or department from obstructing parking spaces nor shall it prohibit the placement of detached

trailers or the parking of motor vehicles and other equipment on town property by town officials and employees in excess of a continuous period of more than 72 hours in the necessary course of their official duties or employment.

SECTION III

That if a court of competent jurisdiction finds any provisions of this ordinance to be invalid or unenforceable as a matter of law, the offending portion shall be stricken and all other provisions shall remain in full force and effect.

SECTION IV

That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION V

That the provisions of this ordinance shall be included and incorporated into the code of ordinances of the Town of Indian Shores, Florida, as an amendment thereto, and shall be renumbered to conform to the uniform numbering system thereof as necessary.

SECTION VI

That this ordinance shall be in full force and effect immediately upon its passage, or in the manner provided by law.

FIRST READING this 14th day of September, 2022.

The first reading of the above Ordinance, upon motion by Councilor Bill Smith and seconded by Vice Mayor Diantha Schear as duly approved at a regular Council Meeting held on the 14th day of September, 2022.

Voting in favor of the First Reading: Mayor Patrick C. Soranno, Vice Mayor Diantha Schear, Councilor Mike Hackerson, Councilor Mike Petruccelli, and Councilor Bill Smith.

Voting in opposition: None Absent: None Abstaining: None

SECOND READING AND FINAL PASSAGE this 11th day of October, 2022.

The second reading of the above Ordinance, upon motion by Councilor Mike Hackerson and seconded by Vice Mayor Diantha Schear as duly approved at a Regular Town Council Meeting held on the 11th day of October, 2022.

Voting in favor of the Second Reading: Mayor Patrick C. Soranno, Vice Mayor Diantha Schear, Councilor Mike Hackerson, Councilor Mike Petruccelli, and Councilor Bill Smith.

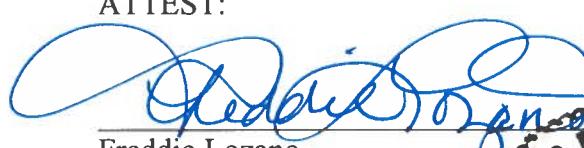
Voting in opposition: None Absent: None Abstaining: None

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES, FLORIDA, THIS 11th day of October, 2022.



Patrick C. Soranno
Mayor

ATTEST:



Freddie Lozano
Town Clerk



Approved as to form:



Regina A. Kardash, Esq.
Town Attorney