

**ORDINANCE NO. 2023-05**

**AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING SECTION 70-38 OF THE CODE OF ORDINANCES ADDRESSING PARKING PROHIBITIONS TO INCREASE THE FINES FOR PROHIBITED PARKING TO ONE HUNDRED DOLLARS (\$100); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the Town of Indian Shores, Florida, is a Florida municipal corporation with inherent police powers and home rule authority; and

**WHEREAS**, the Town Council increased the parking fines under Ordinance 2020-03; and

**WHEREAS**, the Town had not previously increased it's parking violation fines since 2011; and

**WHEREAS**, there is a demand for beach parking and fee for violation of the parking rules and requirements should be increased to provide a sufficient deterrent for violators; and

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

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

**Section I**

Section 70-38 of the Code of Ordinances is amended 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 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) *Metered parking.* All parking in town-owned parking lots shall be metered subject to the following conditions:
  - (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:

<i>Violation</i>	<i>Fine</i>
Overtime parking	<del>\$50.00</del> <u>100.00</u>
Boat trailers only	<del>\$50.00</del> <u>100.00</u>
Improper parking	<del>\$50.00</del> <u>100.00</u>
No parking zone	<del>\$50.00</del> <u>100.00</u>
Fire lane/zone	<del>\$50.00</del> <u>100.00</u>
Meter Expired/Not Paid	<del>\$50.00</del> <u>100.00</u>
Lot closed	<del>\$50.00</del> <u>100.00</u>
Other, to wit:	<del>\$50.00</del> <u>100.00</u>
Double parking	<del>\$50.00</del> <u>100.00</u>
Loading zone	<del>\$50.00</del> <u>100.00</u>
No trailers	<del>\$50.00</del> <u>100.00</u>

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 II

That all ordinances, or parts of ordinances, in conflict herewith are hereby repealed insofar as the same conflict with the provisions of this ordinance.

## 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 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 V

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

**FIRST READING** this 8<sup>th</sup> day of August, 2023.

The first reading of the above Ordinance, upon motion by Councilor Bill Smith and seconded by Councilor Ellen A. Bauer as duly approved at a regular Council Meeting held on the 8<sup>th</sup> day of August, 2023.

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

Voting in opposition: **None**                  Absent: **None**                  Abstaining: **None**

**SECOND READING** this 13<sup>th</sup> day of September, 2023.

The second reading of the above Ordinance, upon motion by Vice Mayor Diantha Schear and seconded by Councilor Ellen A. Bauer as duly approved at a Regular Town Council Meeting held on the 13<sup>th</sup> day of September, 2023.

Voting in favor of the Second Reading: **Mayor Patrick C. Soranno, Vice Mayor Diantha Schear, Councilor Bill Smith, and Councilor Ellen A. Bauer.**

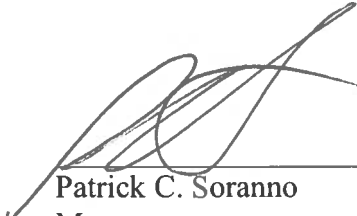
Voting in opposition: **None**

Absent: **Councilor**

Abstaining: **None**

**Mike Petruccelli**


**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES, FLORIDA, THIS 13<sup>th</sup> day of September, 2023.**

  
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Patrick C. Soranno  
Mayor

ATTEST:

  
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Freddie Lozano, CMC  
Town Clerk

Approved as to form:

  
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Regina A. Kardash, Esq.  
Town Attorney

