

ORDINANCE NO. 19-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE 7, "TRAFFIC CODE," CHAPTER 71, "PARKING REGULATIONS," SUBCHAPTER "PARKING REGULATIONS," SECTION 71.017, "STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED AREAS," TO PROHIBIT A VEHICLE FROM STOPPING, STANDING, OR PARKING ON THE SWALE AREA; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the swale area located between the edge of paved roadway and sidewalk or property line is an important component of the City of Delray Beach (City) roadway drainage system; and

WHEREAS, when vehicles are stopped or parked on the swale area the soil becomes compacted, causing the infiltration of rainwater to become less effective resulting in increased flooding; and

WHEREAS, the property owner adjacent to the swale is also responsible for maintaining sufficient ground cover in the swale; and

WHEREAS, parking on the swale damages the ground cover, requiring the adjacent property owner to install sod or otherwise repair the area; and

WHEREAS, by prohibiting parking on the swale the drainage capabilities of the swale will be left intact and the maintenance burdens on adjacent property owners will be reduced; and

WHEREAS, the City Commission desires to protect the swale area within the City to ensure there is no degradation to the ability of water to run off and drain appropriately; and

WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City of Delray Beach as set forth in Article VIII, Section 2, of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and other applicable controlling laws; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitations set forth above are incorporated herein.

Section 2. Title 7, “Traffic Code,” Chapter 71, “Parking Regulations,” Subchapter “Parking Regulations,” Section 71.017, “Stopping, standing, or parking prohibited in specified areas,” of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended as follows:

Sec. 71.017 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

- (A) Stop, stand, or park a vehicle:
 - (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (2) On a sidewalk.
 - (3) Within an intersection.
 - (4) On a crosswalk.
 - (5) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the State Department of Transportation or this city indicates a different length by signs or marking.
 - (6) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
 - (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
 - (8) On any railroad tracks.
 - (9) On a bicycle path.
 - (10) At any place where official traffic-control devices prohibit stopping.
 - (11) On the roadway or shoulder of a limited access facility except as provided by regulation of the State Department of Transportation or on the paved portion of a connecting ramp; however, a vehicle which is disabled or in a condition improper to be driven as a result of mechanical failure or accident may be parked on such a shoulder for a period not to exceed six (6) hours. This provision is not applicable to a person stopping a vehicle to render aid to an injured person or assistance to a

disabled vehicle in obedience to the directions of a Law Enforcement Officer or to a person stopping a vehicle in compliance with applicable traffic laws.

- (12) For the purpose of loading or unloading a passenger on the paved roadway or shoulder of a limited access facility or on the paved portion of any connecting ramp. This provision is not applicable to a person stopping a vehicle to render aid to an injured person or assistance to a disabled vehicle.

(13) On a swale, which is the area between the edge of paved roadway and the sidewalk or property line.

- (B) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- (1) In front of a public or private driveway.
- (2) Within fifteen (15) feet of a fire hydrant.
- (3) Within twenty (20) feet of a crosswalk at an intersection.
- (4) Within thirty (30) feet upon the approach to any flashing signal, stop sign, or traffic-control signal located at the side of a roadway.
- (5) Within twenty (20) feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of such an entrance (when property signposted).
- (6) On an exclusive bicycle lane.
- (7) At any place where official traffic-control devices prohibit standing.

- (C) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers:

- (1) Within fifty (50) feet of the nearest rail of a railroad crossing unless the State Department of Transportation establishes a different distance due to unusual circumstances.
- (2) At any place where official signs prohibit parking.

- (D) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. Specific authority and direction are hereby given to the City Clerk to codify this Ordinance.

Section 6. That this Ordinance shall become effective immediately upon its passage on second and final reading and shall apply to all existing and future applications for permits.

PASSED AND ADOPTED in regular session on second and final reading on this the ____ day of _____, 2023.

ATTEST:

Katerri Johnson, City Clerk
First Reading _____
Second Reading _____

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney