

ORDINANCE NO. 07-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 71, "PARKING REGULATIONS", BY AMENDING SECTION 71.005, "ENFORCEMENT BY POLICE DEPARTMENT" TO ALLOW ENFORCEMENT BY DESIGNEE; BY AMENDING SECTION 71.018, "PARKING IN ALLEYS" AND SECTION 71.025, "OBSTRUCTION OF TRAFFIC" TO INCREASE AVAILABLE WIDTH FROM TEN FEET TO TWELVE FEET; BY AMENDING SECTION 71.024, "ALL-NIGHT PARKING" TO PROHIBIT ALL-NIGHT PARKING IN CITY GARAGES AND PARKING LOTS; BY AMENDING SECTION 71.022, "PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS" AND "SECTION 71.023, "LIMITING PARKING TIME ON CERTAIN STREETS" TO ALLOW TIMES TO BE SET BY RESOLUTION; AMENDING SUBCHAPTER "PARKING METERS" BY AMENDING SECTION 71.055, "DEFINITIONS", SECTION 71.056, "DESIGNATION OF SPACES; INSTALLATION OF METERS", SECTION 71.057, "OPERATION OF PARKING METERS", AND SECTION 71.058, "COST OF PARKING OR STANDING VEHICLE IN CERTAIN METERED SPACES" TO PROVIDE FOR THE USE OF PARKING METER TECHNOLOGY AND TO ALLOW TIMES AND FEES TO BE SET BY RESOLUTION; BY AMENDING SECTION 71.060, "PARKING METER PERMITS" TO PROVIDE FOR EMPLOYEE PARKING PERMITS; BY REPEALING SECTION 71.063. "LIMITED TIME PARKING ZONES" AND SECTION 71.064 "PARKING METER ZONES" TO MAKE CONSISTENT WITH AFOREMENTIONED CHANGES; BY AMENDING SECTION 71.091, "LIABILITY FOR PAYMENT OF PARKING TICKET VIOLATIONS" TO ALLOW THE CITY TO PROVIDE NOTIFICATIONS FOR UNPAID PARKING VIOLATIONS; BY AMENDING SECTION 71.999, "PENALTY" TO ALLOW PENALTIES TO BE SET BY RESOLUTION; REPEALING CHAPTER 73 IN ITS ENTIRETY; AMENDING SUBCHAPTER "IMPOUNDMENT" BY AMENDING SECTIONS 71.070 THROUGH 71.073 TO RELOCATE IMPOUNDMENT REGULATIONS FROM CHAPTER 73; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City Commission of the City of Delray Beach desires to expand the City's paid parking program to better utilize the City's parking inventory and to use revenues derived from all parking fees to fund

improvements in parking facilities and related infrastructure and such other uses as may be authorized by the City Commission; and

WHEREAS, pursuant to Section 71.002 of the City's Code of Ordinances, the regulation of parking is deemed to be an exercise of the police powers of the City of Delray Beach for the preservation and protection of public safety; and

WHEREAS, in 2010, the City retained Kimley-Horne and Associates, Inc. to evaluate the existing parking supply and operations and transportation program within the downtown study area and identify strategies to efficiently manage and offset the City's expenditures for parking and transportation services; and

WHEREAS, this study recommended that the City consider increasing the amount of paid public parking spaces to generate additional revenue for the City in order to fund improvements to parking-related facilities and programs; and

WHEREAS, this study recommended that the City manage parking supply and demand by adopting policies, guidelines and restrictions that encourage short-term parking with higher vehicle turnover in convenient on-street parking spaces and longer-term parking by employees and visitors who wish to spend longer hours within downtown at the City-owned parking lots; and

WHEREAS, in 2016, Kimley-Horne performed an additional study, which continued to support the need for the City to create a parking and transportation program in order to help fund improvements to parking-related facilities and programs; and

WHEREAS, the City Commission finds that adjusting the parking rates and permit fees to promote increased use of all City parking facilities and resources will distribute the parking load more evenly between residents and visitors, and maximize the utility and use of all City parking facilities and resources, thereby making parking easier, reducing traffic hazards and congestion, and promoting the public convenience, safety, and welfare; and

WHEREAS, the City Commission finds that the implementation of time-limited parking zones, parking meter zones, and the parking fee structure by resolution gives the City the flexibility required to successfully expand the City's parking program; and

WHEREAS, the City Commission finds that the use of parking meter technology, which enables convenient payment of parking rates, and the use of private company for parking enforcement services, which makes it easier for the City to enforce its regulations and collect parking fines, will assist the City in managing the parking supply and demand within the City; and

WHEREAS, the City Commission finds it to be in the best interests of the City to expand the paid parking program in the City and to use the additional parking revenue generated for funding improvements to parking facilities and related infrastructure; and

WHEREAS, the City Commission has determined that the adoption of this ordinance in the best interests of the health, safety, and welfare of the citizens and the public at-large; and

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

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Chapter 71, "Parking Regulations", Subchapter "General Provisions", Section 71.005, "Enforcement by Police Department", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.005. – ENFORCEMENT BY POLICE DEPARTMENT.

It shall be the duty of the Police Department or its designee to enforce all the provisions of this Chapter.

Section 3. That Chapter 71, "Parking Regulations", Section 71.018, "Parking in Alleys", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.018. - PARKING IN ALLEYS.

No person shall park a vehicle within an alley in a manner or under those conditions as to leave available less than ~~ten (10)~~ twelve (12) feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within an alley in a position as to block the driveway entrance to any abutting property, except for the purpose of unloading freight for a period of time which shall not exceed fifteen (15) minutes.

Section 4. That Chapter 71, "Parking Regulations", Section 71.022, "Parking Prohibited During Certain Hours on Certain Streets", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.022. - PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.

(A) When signs are erected in each block giving notice thereof, no person shall park, stand, or stop a vehicle between the hours specified on the sign, ~~in regulations promulgated by the Chief of Police or other official designated by the Commission.~~

~~(B) When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours of any day as specified in regulations promulgated by the Chief of Police or other City official designated by the Commission, except Sundays and public holidays, within the district or upon any of the streets described in the regulations.~~

(~~EB~~) When signs are erected designating parking spaces to be used as a valet parking queue, no person shall park a vehicle in said spaces between the hours specified on the sign. All vehicles shall be removed from the designated valet parking queues in accordance with the time limits provided on the signs.

(~~EC~~) The City shall have the authority to either issue a parking ticket or remove the vehicle for violating subsection (~~EB~~).

Section 5. That Chapter 71, "Parking Regulations", Section 71.023, "Limiting Parking Time on Certain Streets", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.023. - LIMITING PARKING TIME ON CERTAIN STREETS.

~~When signs are erected giving notice thereof, no person shall stop, park or stand a vehicle for longer than the time designated by the signs at any time between those hours so stated by the signs on any day, except Sundays and full legal holidays, within the City.~~

(A) The City is hereby authorized to establish by resolution time-limited parking zones which limit the maximum time a vehicle can park in certain areas within the City. These zones may be subsequently amended by the City Manager, who may invite comments and recommendations from the Parking Management Advisory Board (PMAB) before making any amendments thereto.

(B) Each time-limited parking zone shall provide signage to notify drivers of the maximum amount of time a vehicle can park in that zone.

(C) Nothing in this section shall be construed as prohibiting the City Manager or his or her designee from temporarily restricting parking in these zones or allowing parking in excess of the designated maximum time limit based on special circumstances, including but not limited to emergencies, special events, construction, change in building uses, and actual usage of parking spaces in the zones.

(D) No person shall move and repark a vehicle on either side of a street within the same block in order to avoid exceeding the time limits specified for either side of the street in that particular block.

Section 6. That Chapter 71, "Parking Regulations", Section 71.024, "All-Night Parking", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.024. - ALL-NIGHT PARKING.

Only persons on emergency calls shall park a vehicle on any street marked to prohibit all-night parking ~~and giving notice thereof~~ for a period of time longer than one hour between the hours of 1:00 a.m. and 7:00 a.m. of any day, or as otherwise posted by the Police Department.

All-night and overnight parking in the City's parking garages or in the City's surface parking lots shall be prohibited.

Section 7. That Chapter 71, "Parking Regulations", Section 71.025, "Obstruction of Traffic", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.025. - OBSTRUCTION OF TRAFFIC.

No person shall park any vehicle upon a street in a manner or under conditions as to leave available less than ~~ten (10)~~ twelve (12) feet of width of the roadway for free movement of vehicular traffic. Where streets are not completely paved or curbs provided, the parking of a car shall be in a manner as not to obstruct the free movement of traffic.

Section 8. That Chapter 71, "Parking Regulations", Subchapter "Parking Meters", Section 71.055, "Definitions", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.055. - DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Multispace parking meter. Any mechanical device or meter placed or erected for the regulation of more than one parking space.

Multispace parking meter zones. Any space or group of spaces controlled by a single multispace parking meter. Spaces shall be numbered so as to allow users to identify the appropriate space number in order to pay the appropriate fees to park in said spaces.

Parking meter. Any mechanical device or meter ~~not inconsistent with this subchapter~~ placed or erected for the regulation of parking by authority of this subchapter. ~~Each parking meter installed shall indicate by proper legend the legal parking time established by the City and when operated shall at all times indicate the balance of legal parking time, and at the expiration of the period shall indicate illegal or overtime parking.~~

Parking meter space. Any space within a parking meter zone adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters or which is in an area clearly marked by signs indicating the space is in a parking meter zone and indicating that payment may be made by the use of parking meter technology.

Parking meter technology. Any technology that allows payment for parking in parking meter zones without the use of mechanical parking meters, including but not limited to telephone, smartphone

applications, website, single or multi space meters, or any other technology as deemed appropriate by the City to pay for parking. Parking meter technology may utilize parking space numbers, license plates, sticker numbers, or any other means designated by the specific parking meter technology to process parking payment.

Parking meter zone. Any area designated by resolution as a parking meter zone. Any restricted street upon which parking meters are installed and in operation.

Section 9. That Chapter 71, “Parking Regulations”, Subchapter “Parking Meters”, Section 71.056, “Designation of Spaces; Installation of Meters” of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.056. - DESIGNATION OF SPACES PARKING METER ZONES; INSTALLATION OF METERS.

~~The marking off of individual parking spaces in the parking zones described in Chapter 73, schedule II, and in any other zones as may hereafter be established; and the installation of parking meters in the spaces is authorized, ratified, and confirmed. The placement of the meters shall be in accordance with applicable City ordinances.~~

(A) The City is hereby authorized to establish by resolution certain sections of the City public right of way to be designated as parking meter zones. These zones may be subsequently be amended by the City Manager, who may invite comments and recommendations from the Parking Management Advisory Board (PMAB) before making any amendments thereto.

(B) The City is hereby authorized to install, or have installed, parking meters for the parking spaces in parking meter zones.

(C) Each parking meter zone shall provide signage to notify drivers of the required payment for that parking meter zone and the maximum length of allowable parking time.

(D) Each parking meter installed in a parking meter zone shall indicate by proper legend the legal parking time established by the City, and when operated shall at all times indicate the balance of legal parking time, and at the expiration of the period shall indicate illegal or overtime parking.

(E) For any parking space in a parking meter zone for which no meter is installed adjacent to the space, the City shall install signage in the area and visible from the space indicating that payment of the parking meter rates for that space shall be made by using parking meter technology, and indicating the procedure for using said technology.

(F) When parking meter technology is in use, it shall notify the user and the parking enforcement officer of the legal parking time for which payment has been made and the balance of legal parking time.

(G) Nothing in this section shall be construed as prohibiting the City Manager or his or her designee from temporarily restricting parking or allowing parking at no charge at spaces within parking meter zones based on special circumstances, including but not limited to emergencies, special events, construction, change in building uses, and actual usage of parking spaces in the zones.

(H) No person shall move and repark a vehicle on either side of a street within the same block in order to avoid exceeding the parking meter time limits specified for either side of the street in that particular block.

Section 10. That Chapter 71, "Parking Regulations", Subchapter "Parking Meters", Section 71.057, "Operation of Parking Meters", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.057. - OPERATION OF PARKING METERS.

~~(A) Except in a period of emergency determined by an officer of the Fire or Police Department, or in compliance with the directions of a police officer, police aide, or traffic control sign or signal, w~~When any vehicle shall be is parked in any parking space in a parking meter zone when payment is required, alongside or next to which a parking meter is located, the operator of this vehicle shall, upon entering the parking meter space, pay the parking meter rate by using either the meter or parking meter technology.

- (i) If payment is made using the meter, the operator shall immediately deposit or cause to be deposited in the meter the proper coin of the United States as is required for the parking meter and as is designated by proper directions on the meter, and when required by the directions on the meter, the operator of the vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on the meter in accordance with directions properly appearing thereon, and failure to deposit the proper coin, and to set the timing mechanism in operation when so required, shall constitute a violation of this subchapter.
- (ii) If payment is made using parking meter technology, the operator shall follow the directions posted for the use of such technology.

~~(B) Upon the deposit of the coin (and the setting of the timing mechanism in operation when so required),~~payment of the parking meter rate, the parking space may be lawfully occupied by the vehicle during the period of time which has been prescribed for the part of the street in which the parking space is located, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be

required to deposit a coin so long as his occupancy of the space does not exceed the indicated unused parking time.

(C) If the vehicle shall remain parked in any parking space beyond the parking time limit set for that parking space, and if the meter or parking meter technology shall indicate illegal parking, then, and in that event, the vehicle shall be considered as parking overtime and beyond the period of legal parking time, and parking shall be deemed a violation of this subchapter.

Section 11. That Chapter 71, "Parking Regulations", Subchapter "Parking Meters", Section 71.058, "Cost of Parking or Standing Vehicle in Certain Metered Spaces", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.058. - COST OF PARKING OR STANDING VEHICLE IN CERTAIN METERED SPACES.

The cost of parking or standing a vehicle in a parking meter space located in a parking meter zone shall be established by resolution of the City Commission, and may be subsequently amended from time to time by the City Manager. Any future amendments made by the City Manager shall be based upon the demand for all publicly-owned parking spaces and shall not exceed a cost of three dollars (\$3.00) per hour for on-street parking meter spaces.

~~(A) — The cost of parking or standing a vehicle in a parking meter space located in the Orange Grove (Marriott Hotel North) parking lot, the Ingraham Avenue parking lot, the Gleason parking lot, and in the parking lots at Atlantic Dunes Park, Anchor Park, and Sandoway Park, shall be one dollar and fifty cents (\$1.50) per hour. The cost of parking or standing a vehicle in a parking meter space located along State Road A-1-A and Atlantic Avenue, east of the Intracoastal Waterway (ICW), shall be one dollar and fifty cents (\$1.50) per hour.~~

~~(B) — The only coins which the meters accept are United States currency.~~

Section 12. That Chapter 71, "Parking Regulations", Subchapter "Parking Meters", Section 71.060, "Parking Meter Permits", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.060. - PARKING METER PERMITS.

(A) A Any person may purchase a "beach parking permit" may be purchased from the City, in accordance with and subject to the administrative rules and regulations promulgated by the City. by all persons which A beach parking permit shall authorize the operator to park parking of the vehicle for which the permit was acquired in any designated permit-only parking space and in any parking meter space located within Anchor Park, Sandoway Park, Orange Grove Lot, Atlantic Dunes, and Ingraham

Avenue parking lots without requiring payment of the parking meter rate. the payment of money into the space's parking meter.

~~(B)~~ The cost of a parking permit shall be ninety dollars (\$90.00) per year, plus applicable taxes.

~~(C)~~ Any person aged sixty-two (62) and over may purchase a A "senior beach parking permit", in accordance with and subject to the administrative rules and regulations promulgated by the City. may be purchased from the City by all persons aged sixty-two (62) and over which A senior beach parking permit shall authorize the operator to park parking of the vehicle in the parking areas designated for a "beach parking permit" and in addition shall authorize the parking of the vehicle in any parallel parking space on Ocean Boulevard (State Road A-1-A) without requiring the payment of parking meter rate. money into the space's parking meter.

~~(D)~~ The cost of a senior beach permit shall be ninety-five dollars (\$95.00) per year, plus applicable taxes. Any person who is employed by an approved City employer may purchase an "employee parking permit" in accordance with and subject to the administrative rules and regulations promulgated by the City. An employee parking permit shall authorize the operator of the vehicle to park in the Old School Square Garage without requiring the payment of the parking meter rate.

~~(E-D)~~ The fee for obtaining the parking permits described in this section shall be established by resolution of the City Commission, and may be subsequently amended by the City Manager.

(E) Each permit shall cover ~~the an annual~~ period from October 1 through September 30. Effective After April 1st each year, proration of the permit fee shall be prorated to fifty percent (50%) of the annual rate, one-half of the standard permit fee, (forty-five dollars (\$45.00) for regular permit and forty-seven dollars and fifty cents (\$47.50) for Senior Permit), plus applicable taxes. The application procedure and the form of the permit shall be determined by the City administration. It shall be illegal to deface a parking permit or to transfer a parking permit from the vehicle for which it was acquired to any other vehicle. However, if the parking permit sticker and other sufficient proof is submitted to the City, and when approved in advance by the City Manager or his designee, the parking permit sticker may be exchanged for a new sticker and the parking permit transferred to a substitute vehicle acquired by the permit holder subsequent to the issuance of the original parking permit.

Section 13. That Chapter 71, "Parking Regulations", Subchapter "Parking Meters", Section 71.063, "Limited Time Parking Zones", of the Code of Ordinances of the City of Delray Beach, Florida, is repealed in its entirety:

Sec. 71.063. -- LIMITED TIME PARKING ZONES.

~~(A) — *Time Limit.* Parking or standing a vehicle in a designated space in the parking areas or zones in excess of the posted time limit for that particular area shall be unlawful.~~

~~(B) — *Violations.* It shall be unlawful and a violation of the provisions of this schedule for any person:~~

~~(1) — When signs are erected by the City giving notice thereof to stop, park or stand a vehicle for longer than the time designated by the signs at any time between those hours so Stated by the signs on any day, except Sundays and holidays, including New Year's Day, Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and the days upon which the Delray Affair is held.~~

~~(2) — To cause, allow, permit, or suffer any vehicle registered in the name of that person to be parked across any line or marking of a parking space or in a position that the vehicle shall not be entirely within the space designated by such lines or markings.~~

Section 14. That Chapter 71, "Parking Regulations", Subchapter "Parking Meters", Section 71.064, "Parking Meter Zones", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby repealed in its entirety:

~~Sec. 71.064. — PARKING METER ZONES.~~

~~(A) — *Time Limit.* Parking or standing a vehicle in a designated space within an area or zone that is designated as a parking meter zone after the time has expired on the parking meter shall be unlawful.~~

~~(B) — *Violations.* It shall be unlawful and a violation of the provisions of this schedule for any person:~~

~~(1) — When signs are erected by the City giving notice thereof to stop, park, or stand a vehicle within the City after time has expired on the parking meter in any area designated to be a parking meter zone on any day.~~

~~(2) — To cause, allow, permit, or suffer any vehicle registered in the name of that person to be parked across any line or marking of a parking space or in a position that the vehicle shall not be entirely within the space designated by such lines or markings.~~

Section 15. That Chapter 71, "Parking Regulations", Subchapter "Impoundment Procedure", Section 71.070, "Reserved", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.070. RESERVED. WHEN IMPOUNDMENT AUTHORIZED FOR UNATTENDED/ABANDONED VEHICLES.

Members of the Police Department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety or to a garage designated or maintained by the Police Department or by the City under the following circumstances:

(A) When any vehicle is left unattended upon any bridge, viaduct, causeway or tunnel, where such vehicle constitutes an obstruction to traffic.

(B) When a vehicle upon a street is so disabled as to constitute an obstruction to traffic or the person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody and removal.

(C) When any vehicle is parked continuously upon a street for more than seventy-two (72) hours, prior to removal, procedures must be followed in accordance with Section 90.02(B).

(D) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(E) When the driver of such vehicle is taken into custody by the Police Department and such vehicle would thereby be left unattended upon a street.

(F) When removal is necessary in the interests of public safety because of fire, flood, storm, or other emergency reason.

Section 16. That Chapter 71, "Parking Regulations", Section 71.071, "Reserved", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.071. - ~~RESERVED.~~ NOTICE OF IMPOUNDMENT OF UNATTENDED /ABANDONED VEHICLES.

(A) Whenever an officer removes a vehicle from a street as authorized in this subchapter, and when the officer knows or is able to ascertain the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to the owner of the fact of the removal, the reasons therefor, and the place to which the vehicle has been removed. In the event of the vehicle being stored in an authorized garage, a copy of such notice shall be given to the proprietor of the garage.

(B) Whenever an officer removes a vehicle from a street under this subchapter and does not know and is not able to ascertain the name of the owner or for any other reason is unable to give notice to the owner, the officer shall within twenty-four (24) hours, through the medium of electronic communications, contact the State Department of Highway Safety and Motor Vehicles giving a full description of the vehicle, and shall file a copy of such notice with the proprietor of any authorized garage in which the vehicle may be stored. The notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for removal, and the name of the garage or place where the vehicle is stored.

Section 17. That Chapter 71, "Parking Regulations", Section 71.072, "Reserved", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.072. - ~~RESERVED~~. RELEASE OF IMPOUNDED VEHICLE.

No vehicle impounded under this subsection in an authorized garage shall be released therefrom until the charges for towing the vehicle into the garage and all storage charges have been paid. The charges for towing or removal of any vehicle and storage shall be at the expense of the owner.

Section 18. That Chapter 71, "Parking Regulations", Section 71.073, "Reserved", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.073. - ~~RESERVED~~. SALE OF IMPOUNDED VEHICLE.

(A) If the residence or address of the owner or any person holding a lien upon an impounded vehicle cannot be ascertained, or if the owner or person holding a lien upon the vehicle fails to take possession of the vehicle within thirty (30) days after the mailing of the notice provided for in this subsection, such vehicle shall be sold at public auction by the Chief of Police at some place within the City, but prior to the sale a notice shall be published in a City publication at least ten (10) days prior to the date of sale. Such notice shall give the time and place of sale and describe the motor vehicle to be sold. A copy of such notice shall be mailed to the owner and each person holding a lien on the car, if their address be known, at least ten (10) days before the date of the sale.

(1) The City shall not guarantee title to such vehicle or to deliver a title of ownership, but shall furnish the purchaser a certificate in substantially the following form:

Certificate No. _____
CERTIFICATE OF SALE
Delray Beach Police Dept.
Delray Beach, Florida 33444

THIS IS TO CERTIFY that the following described car was abandoned on the public streets of Delray Beach, Florida, and was placed in the custody of the Police Department where it was held for thirty (30) days, after which time it having been impossible to find the owner of the same, or if found, he failed to repossess same, this automobile was sold to the highest bidder after legal advertisement.

This certificate of sale is therefore issued to _____
residing at _____

Make: _____

Year: _____

Engine No.: _____

Chassis No.: _____

Dated at Delray Beach, Florida, this _____ day of _____, 20____.

Chief of Police

(2) The above form shall be in duplicate. The original shall be given to the purchaser and the duplicate bound in a book or record.

(B) If any motor vehicle shall be sold as provided in this subsection, the proceeds of the sale, after paying all the costs actually expended for advertising or otherwise in the sale, shall be deposited in the General Fund of the City.

(C) The owner or any person having a lien upon an impounded vehicle may take possession of the same at any time prior to the sale provided for in this subsection but such person shall reimburse the City for all reasonable expenses for storage, advertising, or other expense incurred in connection therewith.

(D) The proceeds of any sale of an impounded vehicle paid to the General Fund of the City shall not be expended or disbursed for ninety (90) days after the date of such sale. At any time during that period, the owner or any person having an interest in the motor vehicle may, upon making proof of such ownership or interest, recover back from the fund the proceeds of the sale, less all the expenses of caring for such property, advertising, and the making of such sale.

Section 19. Chapter 71, "Parking Regulations", Section 71.091, "Liability for Payment of Parking Ticket Violations", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.091. - LIABILITY FOR PAYMENT OF PARKING TICKET VIOLATIONS.

- (A) The registered owner of a vehicle is responsible and liable for payment of any parking ticket violation. The owner of a stolen vehicle is not responsible for a parking ticket violation from the date it is reported stolen to the Police Department.
- (B) Any person issued a parking ticket by a parking enforcement specialist or officer shall be deemed to be charged with a noncriminal violation and shall comply with the directions on the ticket. In the event that payment is not received or a response to the ticket is not made within the time period specified thereon, the County Court ~~or~~, its Traffic Violations Bureau, or the City shall notify the registered owner of the vehicle which was cited, by mail to the address given on the motor vehicle registration, of the ticket. Mailing of the notice to this address shall constitute notification. Upon notification, the registered owner shall comply with the Court's or City's decision.
- (C) Any person who fails to satisfy the Court's or City's directive shall be deemed to waive his right to pay the applicable civil penalty.
- (D) Any person who elects to appear before a designated official to present evidence shall be deemed to have waived his right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed one hundred dollars (\$100.00) plus court costs. Any person who fails to pay the civil

penalty within the time allowed by the Court or the City shall be deemed to have been convicted of a parking ticket violation, and the Court as well as the city shall take appropriate measure to enforce collection of the fine.

- (E) Any provision of divisions (B), (C) and (D) above to the contrary notwithstanding, the provisions of F.S. Chapter 318 shall not apply to violations of the City's regulations.
- (F) The clerk of the Circuit Court, ~~or the Traffic Violations Bureau~~ or the City shall supply the Department of Highway Safety and Motor Vehicles with a magnetically encoded computer tape reel or cartridge which is machine readable by the installed computer system at the department, or similar digital file, listing persons who have three (3) or more outstanding parking violations or one (1) or more outstanding violations of Section. 316.1955, Florida Statutes. The department shall mark the appropriate registration records of persons so reported. If the applicant's name appears on the list referred to herein, no license plate or revalidation sticker shall be issued until such person's name no longer appears on said list or until the applicant presents a receipt from the clerk showing that such parking fines have been paid.

Section 20. That Chapter 71, "Parking Regulations", Subchapter "Violations; Enforcement", Section 71.999, "Penalty", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 71.999. - PENALTY.

(A) ~~[Penalties Established.]~~ ~~Whoever violates any provision of this Chapter for which another penalty is not already otherwise provided shall be subject to the penalty provisions set forth in Section 70.99. It shall be unlawful for any person to violate any of the parking regulations referenced in this Chapter. Any person who violates any provision of this chapter will be subject to a penalty, which may include fines, immobilization, or towing.~~

(B) ~~[Civil Penalties.]~~ ~~The civil penalties shall be set out in the complaint and parking ticket and shall be in the amount of twenty-five dollars (\$25.00) for each violation of this Chapter, except as otherwise set forth in this Section. An additional twenty-five dollars (\$25.00) civil penalty shall be imposed unless the amount designated on the complaint and parking ticket is paid within fourteen (14) calendar days from the date the complaint and parking ticket was affixed to that motor vehicle. Any fees which remain unpaid for ninety (90) days or more shall be referred to a registered collection agency, which will pursue the collection of the outstanding balance of the unpaid fine along with any collection fees, service charges, or costs accrued for the collection of said fines in an amount not to exceed forty (40) percent of the amount owed at the time the account is referred to the collection agency. The amount of the fines for the violation of parking regulations shall be established by resolution of the City Commission and may be subsequently amended by the City Manager. Fines imposed for violations of this chapter shall include a ten dollar (\$10.00) surcharge that shall be used for funding the City's school crossing guard program, in accordance with section 71.006.~~

(C) ~~[Parking Too Close.]~~ The fine for the traffic violations of parking too close to an intersection and parking too close to a fire hydrant or in a fire lane shall be in the amount of thirty dollars (\$30.00) for each violation. Failure to pay penalties within fourteen (14) days of issuance of the parking violation shall result in a service charge to the violator per citation in addition to the cost of the penalty. The amount of the service charge for the violation of parking regulations enumerated herein shall be established by resolution of the City Commission and may be adjusted from time to time.

(D) ~~[Section 71.028.]~~ Any person violating the provisions of Section 71.028 shall be subject to a fine of two hundred fifty dollars (\$250.00) as permitted under F.S. Sections 316.008(4) and 318.18(7). Failure to pay penalties within ninety (90) days or more shall be referred to a registered collection agency, which will pursue the collection of the outstanding balance of the unpaid fine along with any collection fees, service charges, or costs accrued for the collection of said fines in an amount not to exceed forty percent (40%) of the amount owed at the time the account is referred to the collection agency.

(E) *Parking Meters:*

(1) ~~The violation of any provision contained in Sections 71.055 through 71.060 and Section 71.062 shall result in the penalties set forth in subsection (A) above.~~

(2) ~~Any person violating the provisions of Sections 71.061(A), (B), (C), (G) or (H) shall be subject to a fine under the terms and conditions as set forth in Section 71.999(B) of this Chapter.~~

(3) ~~Any person violating the provisions of Sections 71.061(D) and (E) shall be subject to the provisions of the Florida Criminal Mischief Statute § 806.13.~~

(4) ~~Any person violating the provisions of subsection 71.061(F) shall be subject to a fine in the amount of two hundred fifty dollars (\$250.00) for each violation.~~

Section 21. That Chapter 73, "Parking Schedules", of the Code of Ordinances of the City of Delray Beach, Florida, is hereby repealed in its entirety as follows:

~~CHAPTER 73. -- PARKING SCHEDULES~~ (repeal chapter 73 in its entirety/sections moved to Chapter 71)

~~SCHEDULE I. -- TWO HOUR/FOUR HOUR PARKING ZONES.~~

(A) ~~[Parking Zones.]~~ The following named and described areas, streets, or portions of streets and such other areas as may hereafter be included in this Section by amendment hereto, lying within the corporate limits of the City, shall constitute parking zones.

(1) ~~The Chief of Police, either in person or by his designee, shall mark off individual parking spaces and enforce a two-hour parking restriction in the following described parking areas:~~

On	From	To	Ord. #	Passage Date
Atlantic Avenue	Swinton Avenue	State Road A1A	14-81	4-14-81
East side of N.E. 1st Avenue	Atlantic Avenue	N.E. 1st Street	14-81	4-14-81
Gleason Street	Atlantic Avenue	Miramar Drive		
N.E. 1st Street	S.E. 6th Avenue	N.E. 1st Avenue	93-86	12-16-86
N.E. 2nd Avenue	Atlantic Avenue	N.E. 4th Street	14-81	4-14-81
N.E. 4th Avenue	Atlantic Avenue	N.E. 1st Street	14-81	4-14-81
S.E. 1st Avenue	Atlantic Avenue	First alley to the south	14-81	4-14-81
S.E. 1st Street	S.E. 6th Avenue	S.E. 3rd Avenue	93-86	12-16-86
S.E. 2nd Avenue	Atlantic Avenue	First alley to the south	14-81	4-14-81
S.E. 3rd Avenue	Atlantic Avenue	S.E. 1st Street	14-81	4-14-81
S.E. 4th Avenue	Atlantic Avenue	S.E. 1st Street	14-81	4-14-81
S.E. 5th Avenue	Atlantic Avenue	First alley to the south	14-81	4-14-81
Venetian Drive	Atlantic Avenue	Miramar Drive	14-81	4-14-81

~~(2) The two-hour parking restriction shall apply in the following described City-owned parking lots:~~

~~Lot 8 and the south six (6) inches of Lot 9, and Lots 24 and 25, Block 92, plat of the Town of Delray, Plat Book 1, Page 3, according to the Public Records of Palm Beach County, Florida.~~

~~Lots 14, 15 and 16, Block 101, plat of the Town of Delray, Plat Book 1, Page 3, according to the Public Records of Palm Beach County, Florida~~

~~;~~

~~Lot 16 and the north 26.33 feet of Lot 17, and Lots 8 and 9 (less the south 42.5 feet), Block 109, plat of the Town of Delray, Plat Book 1, Page 3, according to the Public Records of Palm Beach County, Florida.~~

~~The south 60 feet of Lots 4 through 6, inclusive, the north 16 feet of Lots 7 and 13, and including the east/west 16 foot alley, Block 77, Town of Delray.~~

~~Parking spaces on the east side of the Florida East Coast (F.E.C.) Railway, lying west of Lot 8, Block 92, Town of Delray.~~

~~Parking spaces located within Veterans Park, Tract A and B, plat of Veterans Park, Plat Book 75, Page 169, according to the Public Records of Palm Beach County, Florida.~~

~~(3) — The eight hour parking restriction shall apply in the following described City-owned parking lots:~~

~~Lots 10-16, inclusive, and Lot 19, Block 92, plat of the Town of Delray, Plat Book 1, Page 3, according to the Public Records of Palm Beach County, Florida.~~

~~The south 7 feet of Lot 6 and Lots 7-11, inclusive, Block 117, plat of the Town of Delray, Plat Book 1, Page 3, according to the Public Records of Palm Beach County, Florida.~~

~~Lots 7 and 13, less the north 16 feet thereof, Block 77, Town of Delray.~~

~~Parking spaces east of the Florida East Coast (F.E.C.) Railway, lying west of Lots 9 through 14, inclusive, Block 92.~~

~~(B) — *Time Limit.* Parking or standing a vehicle in a designated space in the parking areas or zones described in subsections (A)(1) and (2) of this schedule shall be lawful for two (2) hours. Parking or standing a vehicle in designated parking areas or zones described in subsection (A)(3) of this schedule shall be lawful for eight (8) hours. The two-hour or eight-hour parking, whichever is applicable, shall be in effect every day between the hours of 8:00 a.m. and 6:00 p.m., except for the Veterans Park lot and Atlantic Avenue from Swinton Avenue to State Road A1A which shall be from 8:00 a.m. to 8:00 p.m., and except Sundays and holidays; provided that within the meaning of this Section, the term holiday shall include New Year's Day, Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and the days upon which the Delray Affair is held.~~

~~(C) — *Violations.* It shall be unlawful and a violation of the provisions of this schedule for any person:~~

~~(1) — When signs are erected giving notice thereof, to stop, park or stand a vehicle for longer than the time designated by the signs at any time between those hours so stated by the signs on any day, except Sundays and public holidays, within the City.~~

~~(2) — To cause, allow, permit, or suffer any vehicle registered in the name of that person to be parked across any line or marking of a parking space or in a position that the vehicle shall not be entirely within the space designated by such lines or markings.~~

~~SCHEDULE II. - PARKING METER ZONES.~~

~~The following named and described areas, streets, or portions of streets and any other areas, streets, or portions of streets as may hereafter be included in this Section by amendment hereto, lying within the corporate limits of the City, shall constitute a parking meter zone:~~

Description	Ord. #	Date
State Road A1A from Casuarina Road to Beach Drive	21-81	4/21/81
The Atlantic Dunes Park parking lot	21-81	4/21/81
The Anchor Park parking lot	21-81	4/21/81
The Sandoway Park parking lot	21-81	4/21/81
The parking lot located between the Andrews Avenue fire station and State Road A1A	21-81	4/21/81
Ingraham Avenue parking lot		

~~IMPOUNDMENT~~

~~Sec. 73.15. - WHEN IMPOUNDMENT AUTHORIZED FOR UNATTENDED
/ABANDONED VEHICLES.~~

~~Members of the Police Department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety or to a garage designated or maintained by the Police Department or by the City under the following circumstances:~~

~~(A) — When any vehicle is left unattended upon any bridge, viaduct, causeway or tunnel, where such vehicle constitutes an obstruction to traffic.~~

~~(B) — When a vehicle upon a street is so disabled as to constitute an obstruction to traffic or the person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody and removal.~~

~~(C) — When any vehicle is parked continuously upon a street for more than seventy-two (72) hours, prior to removal, procedures must be followed in accordance with Section 90.02(B).~~

~~(D) — When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.~~

~~(E) — When the driver of such vehicle is taken into custody by the Police Department and such vehicle would thereby be left unattended upon a street.~~

~~(F) — When removal is necessary in the interests of public safety because of fire, flood, storm, or other emergency reason.~~

~~Sec. 73.16. -- NOTICE OF IMPOUNDMENT OF UNATTENDED/ABANDONED VEHICLES.~~

~~(A) — Whenever an officer removes a vehicle from a street as authorized in this subchapter, and when the officer knows or is able to ascertain the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to the owner of the fact of the removal, the reasons therefor, and the place to which the vehicle has been removed. In the event of the vehicle being stored in an authorized garage, a copy of such notice shall be given to the proprietor of the garage.~~

~~(B) — Whenever an officer removes a vehicle from a street under this subchapter and does not know and is not able to ascertain the name of the owner or for any other reason is unable to give notice to the owner, the officer shall within twenty-four (24) hours, through the medium of electronic communications, contact the State Department of Highway Safety and Motor Vehicles giving a full description of the vehicle, and shall file a copy of such notice with the proprietor of any authorized garage in which the vehicle may be stored. The notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for removal, and the name of the garage or place where the vehicle is stored.~~

~~Sec. 73.17. -- RELEASE OF IMPOUNDED VEHICLE.~~

~~No vehicle impounded under Section 73.15 in an authorized garage shall be released therefrom until the charges for towing the vehicle into the garage and all storage charges have been paid. The charges for towing or removal of any vehicle and storage shall be at the expense of the owner.~~

~~Sec. 73.18. -- SALE OF IMPOUNDED VEHICLE.~~

~~(A) — If the residence or address of the owner or any person holding a lien upon an impounded vehicle cannot be ascertained, or if the owner or person holding a lien upon the vehicle fails to take possession of the vehicle within thirty (30) days after the mailing of the notice provided for in Section 73.17, such vehicle shall be sold at public outcry by the Chief of Police at some place within the City, but prior to the sale a notice shall be published in a City publication at least ten (10) days prior to the date of~~

~~sale. Such notice shall give the time and place of sale and describe the motor vehicle to be sold. A copy of such notice shall be mailed to the owner and each person holding a lien on the car, if their address be known, at least ten (10) days before the date of the sale.~~

~~(1) — The City shall not guarantee title to such vehicle or to deliver a title of ownership, but shall furnish the purchaser a certificate in substantially the following form:~~

~~Certificate No. _____~~

~~CERTIFICATE OF SALE~~

~~Delray Beach Police Dept.~~

~~Delray Beach, Florida 33444~~

~~THIS IS TO CERTIFY that the following described car was abandoned on the public streets of Delray Beach, Florida, and was placed in the custody of the Police Department where it was held for thirty (30) days, after which time it having been impossible to find the owner of the same, or if found, he failed to repossess same, this automobile was sold to the highest bidder after legal advertisement.~~

~~This _____ certificate _____ of _____ sale _____ is _____ therefore _____ issued _____ to _____ residing at _____~~

~~Make: _____~~

~~Year: _____~~

~~Engine No.: _____~~

~~Chassis No.: _____~~

~~Dated at Delray Beach, Florida, this _____ day of _____, 20 _____.~~

~~Chief of Police~~

~~(2) — The above form shall be in duplicate. The original shall be given to the purchaser and the duplicate bound in a book or record.~~

~~(B) — If any motor vehicle shall be sold as provided in Sections 73.15 through 73.18, the proceeds of the sale, after paying all the costs actually expended for advertising or otherwise in the sale, shall be deposited in the General Fund of the City.~~

~~(C) — The owner or any person having a lien upon an impounded vehicle may take possession of the same at any time prior to the sale provided for in division (A), but such person shall reimburse the City for all reasonable expenses for storage, advertising, or other expense incurred in connection therewith.~~

~~(C) — The proceeds of any sale of an impounded vehicle paid to the General Fund of the City shall not be expended or disbursed for ninety (90) days after the date of such sale. At any time during that period, the owner or any person having an interest in the motor vehicle may, upon making proof of such ownership or interest, recover back from the fund the proceeds of the sale, less all the expenses of caring for such property, advertising, and the making of such sale.~~

Section 22. 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 of this Ordinance.

Section 23. Specific authority is hereby given to codify this Ordinance.

Section 24. This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2017.

Shelly Petrolia, Mayor

ATTEST:

City Clerk

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency.

R. Max Lohman, City Attorney