



## Legislation Text

---

File #: 18-265, Version: 1

---

**TO: Mayor and Commissioners**  
**FROM: Susan Goebel-Canning, Public Works Director**  
**THROUGH: Mark R. Lauzier, City Manager**  
**DATE: May 1, 2018**

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 (FIRST READING).

### **Recommended Action:**

Recommend approval of Ordinance No. 07-18 on First Reading for the changes to Chapters 71 and 73 of the City of Delray Beach (City) Code of Ordinances as specified in attached Ordinance No. 07-18, as presented.

### **Background:**

The item before the City Commission is to consider an update to Chapter 71 of the City Code of Ordinances addressing Parking Regulations, and to Chapter 73 of the City Code of Ordinances addressing Parking Schedules / Impoundment.

These updates are required in order to implement the Parking Management Plan discussed and approved by City Commissioners at the September 7, 2017 meeting.

A summary of the changes are as follows:

- Section 71.005. Under this section, the Police Department was the sole agency responsible for enforcing the City's parking regulations. This section has been amended to allow the City Manager to designate the City's parking management vendor to assist in enforcing parking regulations.
- Section 71.018: This section has been amended to increase the width of roadway that cannot be blocked by a parked car or truck in the alley from ten feet to twelve feet. This change was made in consultation with the Fire Department.
- Section 71.022: This section has been amended to provide that parking is enforced on all days of the week (including holidays). This reflects the City's current practice.
- Section 71.023: This section has been amended to allow for time-limited parking zones to be established by resolution (and subsequently amended by the City Manager), to require the City to provide adequate signage to notify drivers of the time limits, and to give the City Manager the discretion to temporarily restrict or allow parking in those zones. Further, it makes it unlawful to move or repark a car within the same block in order to avoid exceeding time limits.
- Section 71.024: This section has been amended to prohibit people from using the parking garages for overnight parking and will aid in preventing residents from nearby apartments and condos from using the lots to store their additional cars.
- Section 71.025: This section has been amended to increase the width of roadway that cannot be blocked by a parked car or truck from ten feet to twelve feet. This change was made in consultation with the Fire department.
- Section 71.055: This section has been amended to add definitions for parking meter technology.
- Section 71.056: This section has been amended to allow for parking meter zones to be set by resolution (and subsequently amended by the City Manager), and to require the City to post adequate signage to notify the drivers as to the rates, time limits, and the procedure for using new parking meter technology. Further, it makes it unlawful to move or repark a car within the same block in order to avoid exceeding parking meter time limits.
- Section 71.057: This section has been amended to include references to new parking meter technology.
- Section 71.058: This section has been amended to allow for parking meter fees to be established by resolution and subsequently amended by the City Manager.
- Section 71.060: This section has been amended to allow for parking permit fees to be set by resolution (and subsequently amended by the City Manager) and to allow for permits to be governed by administrative rules and regulations (instead of by ordinance). This gives the City staff the flexibility to adopt rules as required.
- Sections 71.070 to 71.073: These sections have been amended to move rules related to City impoundment of vehicles from Chapter 73, where they had been inadvertently placed in a prior amendment, back into Chapter 71.

- Chapter 71.999: This section has been amended to allow for parking violation fines to be set by resolution (and subsequently amended by the City Manager), and to make editorial changes that makes the section easier to read.
- Chapter 73 has been struck in its entirety. It had contained the schedules for time limited parking zones and parking meter zones, which are now set by resolution, and contained other information that was already addressed in Chapter 71. In addition, the sections on City impoundment of vehicles have been move back into Chapter 71, where they were originally placed.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

Passage of this ordinance will result in increased revenue for the City of Delray Beach.

**Timing of Request:**

This is not a time sensitive matter.