

ORDINANCE NO. 366

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING CODE OF ORDINANCES, CHAPTER 42, "TRAFFIC AND VEHICLES", ARTICLE II, "STOPPING, STANDING AND PARKING", AMENDING SECTION 42-23 ENTITLED "DEFINITIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Sewall's Point, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted code provisions pertaining to restrictions on the parking of trucks in residential areas of the Town, which have been codified in Article II "Stopping, Standing and Parking" of Chapter 42 "Traffic and Vehicles", of the Code of Ordinances; and

WHEREAS, such provisions require amending to allow for larger non-commercial passenger pick-up trucks; and

WHEREAS, the Town Commission seeks to provide for the public safety and general welfare of the citizens of the Town of Sewall's Point and to permissibly preserve the unique residential character of its neighborhoods and to eliminate noise and traffic hazards through the establishment of limitations and regulations on parking and storage of certain types of vehicles within the residential zones of the town limits; and

WHEREAS, the Town Commission has reviewed these amendments and determined that such amendments furthers the public health, safety and general welfare of the residents and citizens of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

Section 2. Chapter 42, Article II, Section 42-23 of the Town Code of Ordinances entitled "Definitions" is hereby amended to read as follows:

Sec. 42-23. Definitions.

For purposes of this section, the following definitions shall apply:

Boats. Watercraft of any size, description and method of propulsion.

Hauling trailers. Devices designed to be pulled by a motor vehicle for the purpose of hauling or towing items. Hauling trailers are usually constructed in the manner of open framework, carts, wagons or vans, and their common purpose is to pull, haul or tow.

Inoperable motor vehicles. Vehicles which for any reason are inoperable shall be considered inoperable motor vehicles. Lack of current registration and mechanical failure or disability of the vehicle render a vehicle inoperable for purposes of this chapter.

Commercial lettering. Letters, numbers, symbols or combinations thereof which advertise a trade, business, industry or other activity for profit, or a product, commodity or service, whether or not for profit or other nonpersonal use of any kind. The term shall not include bumper stickers, decals required for parking or other regulated activity, personalized license plates or vanity plates.

Commercial vehicles. Any vehicle which either has commercial lettering or which otherwise displays evidence of a commercial or nonpersonal use, including, but not limited to, racks; cabinet boxes; tools and/or cargo, visible from the street or abutting property or which exceeds the height of the bed of a truck or which extends beyond or above the tailgate. Commercial vehicles may include, but are not limited to, automobiles, vans, trucks, pickups, box trucks,

tractor trucks, panel trucks, delivery wagons/trucks, agricultural vehicles, dump trucks, wreckers, semitrailers, trailers, tractor cranes, power shovels, buses, taxis, limousines, non-emergency ambulances, and hearses.

Nonstandard vehicles. All passenger vehicles not defined as standard vehicles shall be considered nonstandard vehicles. Nonstandard vehicles include those that have been manufactured or altered for a purpose other than, or in addition to, private conveyance of drivers and passengers on roadways and those that have been individually designed, individually manufactured or individually altered to feature nonstandard bodies, seats, windows, sides or other characteristics. Nonstandard vehicles also include those that provide plumbing, cooking, refrigerator, living, conduct of business or trade, recreation, towing, hauling, trailering, delivering, camping or sleeping facilities. Nonstandard vehicles include commercial vehicles, recreational vehicles or RVs, trailers, campers, travel trailers, mobile homes, travel cars, dune buggies, swamp buggies, agricultural vehicles, tractors, or vehicles with passenger-conveying forward cabs and open or enclosed rear compartments, flatbeds, or areas intended or used for purposes other than conveying passengers. An otherwise standard vehicle that has been modified or altered to display commercial lettering shall be considered and classified as a nonstandard vehicle.

Private passenger van or private passenger pickup truck. Any private passenger van or private passenger pickup truck having a net vehicle weight of six thousand (6,000) pounds or less, as defined in F.S. 320.01, and used solely for personal activities; however, any such vehicle with commercial lettering or

which otherwise displays evidence of a commercial or nonpersonal use, including, but not limited to, racks; cabinet boxes; tools and/or cargo, visible from the street or abutting property or which exceeds the height of the bed of a truck or which exceeds beyond or above the tailgate, for the purpose of this article, shall be determined to be a commercial vehicle regardless of the net vehicle weight.

Restricted vehicles. All vehicles that are not defined as standard passenger vehicles, including, but not limited to, commercial vehicles, nonstandard vehicles, and inoperable vehicles. Restricted vehicles also include vehicles greater than seven (7) feet in height, having more than two (2) axles, or having more than four (4) tires regardless of whether it is otherwise defined as a standard vehicle.

Standard vehicles. Only those motor vehicles whose function is private conveyance of drivers and passengers on roadways and only those that are complete, bona fide, factory-designed vehicles with complete, bona fide, factory-designed bodies, seats, windows and standard windowed sides shall be considered standard vehicles. Standard vehicles are commonly known as sedans, coupes, convertibles, sport utility vehicles (SUVs), mini-vans, and station wagons and are manufactured in size classes standard, semi-compact, compact and subcompact. Standard vehicles include private passenger vans and private passenger pickup trucks as defined above.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and

independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the ordinance may be made a part of the Town Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "division," or any other appropriate word.

Section 6. Effective Date. This ordinance shall take effect immediately upon adoption.

_____ offered the Ordinance for its second reading and moved its adoption. The motion was seconded by _____, and upon being put to a vote, the vote was:

	<u>AYE</u>	<u>NAY</u>
JACQUI THURLOW-LIPPISCH, MAYOR	_____	_____
PAUL SCHOPPE, VICE-MAYOR	_____	_____
TOM BAUSCH, Commissioner	_____	_____
PAM BUSHA, Commissioner	_____	_____
PAUL LUGER, Commissioner	_____	_____

Passed second reading at the Regular Meeting of the Town Commission held on the _____ day of _____, 2012. The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission on this _____ day of _____, 2012.

TOWN OF SEWALL'S POINT, FLORIDA

Jacqui Thurlow-Lippisch, Mayor

ATTEST:

Ann-Marie S. Basler, Town Clerk
(TOWN SEAL)

Approved as to form and legal sufficiency:

Glen J. Torcivia, Town Attorney
Florida Bar No. 343374