



AGENDA ITEM REPORT

Meeting Date: May 18, 2021

Contact Name: Eric Pedersen

Department: Police

Subject: Ordinance #2021-06-616 Parking

Background Summary:

Per City Council's direction, this ordinance provides a comprehensive update to the City's on-street parking regulations. This ordinance adopts Chapter 316, Florida Statutes by reference which contains State regulations pertaining to the parking of vehicles. Notably, the ordinance regulates the manner of parking, identifies prohibited areas where on-street parking is not allowed, prohibits the obstruction of traffic, identifies purposes for which parking is prohibited, and provides procedures for the removal of vehicles that are illegally parked in streets, ROW, and public parking areas under certain conditions. Parking in residential districts is also regulated. Please note that this ordinance does not address development-related parking regulations such as the number of vehicle spaces required for unit construction. Such regulations are part of the Land Development Code.

In addition to the parking regulations themselves, this ordinance provides comprehensive procedures regarding issuance of parking violation notices and meets due process requirements through the creation of an appeal process whereby alleged violators may contest a parking violation notice in County Court. The ordinance sets a fine schedule for parking violations and provides for disposition of civil penalties and costs. Such procedures are absent from the current Code.

Recommendations:

Motion to approve first reading of Ordinance #2021-06-616 Parking

Attachments:

[Ordinance #2021-06-616 Parking](#)

Type of Item:

- Public Hearing
- Ordinance First Reading
- Ordinance Second Reading
- Resolution
- Discussion & Direction
- Motion and Approval

Local Planning Agency

37 Park or parking means the halting of a motor vehicle otherwise than momentarily,
38 regardless of whether the motor vehicle is occupied or in operation, and not for the purpose of
39 receiving or discharging passengers or materials.

40 Road right-of-way or parkway means any area within a street or highway which is not
41 open to use of the public for purposes of vehicular traffic, lying outside a roadway as herein
42 defined, or, that portion of a street between the curb lines or the lateral lines of a roadway and the
43 adjacent property lines not designated or intended for the use of pedestrians.

44 Roadway means that portion of a highway improved, designed, or ordinarily used for
45 vehicular travel, exclusive of the berm or shoulder. In the event a street or highway includes two
46 (2) or more separate roadways, the term roadway shall refer to any such roadway separately, but
47 not to all roads collectively.

48 Stand or standing means the halting of a vehicle temporarily for the purpose of and while
49 actually engaged in, receiving or discharging passengers or materials, regardless of whether the
50 vehicle is in operation or occupied.

51 Stop or stopping means any halting, even momentarily, of a vehicle, whether occupied or
52 not, except when necessary to avoid conflict with other traffic or to comply with the directions of
53 a law enforcement officer or traffic control sign or signal.

54 Street or highway means the entire width between the boundary lines of every way or
55 place of whatever nature when any part thereof is open to the use of the public for purposes of
56 vehicular traffic.

57 Traffic control device means all signs, signals, markings and devices, not inconsistent
58 with Chapter 316 of the Florida Statutes, placed or erected by authority of a public body or
59 official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

60 Trailer means any vehicle with or without motive power designed for carrying persons or
61 property and for being drawn by a motor vehicle.

62 Vehicle means every device, in, upon, or by which any person or property is or may be
63 transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or
64 tracks.

65 All other definitions contained in Chapter 316, Florida Statutes, not in conflict with the
66 definitions contained in this section shall be applicable and are incorporated by reference.

67
68 Sec. 13-14. - State statutes adopted.
69

70 Those portions of Chapter 316, Florida Statutes, as now or hereinafter amended, being
71 the State Uniform Traffic Control law, pertaining to the parking of vehicles, are hereby adopted
72 by references as fully and to the same extent as if set out at length herein. Any violation of these
73 statutes is considered as a violation of this chapter.

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78 Sec. 13-15. - Manner.

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80 (a) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-
81 way roadway shall be so stopped or parked with the right-hand wheels parallel to and
82 within twelve (12) inches of the right-hand curb or edge of the roadway.

83 (b) Except when otherwise provided by local ordinance, every vehicle stopped or parked
84 upon a one-way roadway shall be so stopped or parked parallel to the curb or roadway, in
85 the direction of authorized traffic movement, with its right-hand wheels within twelve
86 (12) inches of the right-hand curb or edge of the roadway, or its left-hand wheels within
87 twelve (12) inches of the left-hand curb or edge of the roadway.

88 (c) Upon a street which has been marked or signs erected for angle parking, a vehicle shall
89 be parked at the angle to the curb indicated by such marking or sign, with the front of the
90 vehicle to the curb.

91 (d) In a place where, and at a time when, stopping for the loading or unloading of
92 merchandise or materials is permitted, a vehicle used for transportation or merchandise or
93 materials may back into the curb to take on or discharge its load.

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95 Sec. 13-16. - Prohibited areas.

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97 No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict
98 with other traffic or in compliance with the directions of a police officer or traffic control device,
99 in any of the following places:

100 (1) On a sidewalk or in such a manner that any part of such vehicle is protruding over a
101 sidewalk or any part of the sidewalk area;

102 (2) In front of a public or private driveway;

103 (3) Within an intersection;

104 (4) Within fifteen (15) feet of a fire hydrant;

105 (5) On a crosswalk;

106 (6) Within twenty (20) feet of a crosswalk at an intersection, unless permitted to do so by
107 a zone or device established in such area;

108 (7) Within thirty (30) feet of any flashing beacon, stop sign or other traffic control device
109 or signal located at the side of the roadway;

110 (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the
111 curb immediately opposite the ends of a safety zone, unless a different length is
112 indicated by signs or markings;

113 (9) Within fifty (50) feet of the nearest rail of a railroad crossing;

114 (10) Within twenty (20) feet of the driveway entrance to any fire station and on the side of
115 the street opposite and within seventy-five (75) feet thereof, if indicated by a sign;

116 (11) Alongside or opposite any street excavation or obstruction when such stopping,
117 standing, or parking would obstruct traffic or emergency vehicles;

- 118 (12) On the roadway side of any vehicle stopping or parked at the edge or curb of street or
119 on the roadway end of any vehicle parked at an angle to the curb or street edge,
120 except commercial vehicles engaged in loading or unloading, known as double
121 parking;
- 122 (13) Upon any bridge or other elevated structure upon a highway;
- 123 (14) At any place where official traffic control devices prohibit stopping or parking;
- 124 (15) In a road right-of-way or parkway other than under emergency conditions;
- 125 (16) Within any officially designated fire lane on public or private property;
- 126 (17) On any railroad tracks;
- 127 (18) In any designated public parking space located on city owned or leased property or on
128 private property that is specifically designated for physically disabled persons in
129 accordance with Florida Statutes Section 316.1955, unless such person is a disabled
130 person as defined in Section 316.1955 and the vehicle displays a valid parking permit
131 or license plate in accordance with the requirements of Florida Statutes, or unless
132 such person is momentarily parking in such parking space for the purpose of
133 unloading or loading a disabled person;
- 134 (19) On a bicycle path or lane;
- 135 (20) In a roadway, right-of-way or parkway, or in any city owned or leased property,
136 unless the vehicle is licensed in the name of the owner thereof in accordance with the
137 laws of this state unless such vehicle is not required by the laws of this state to be
138 licensed in this state and shall, except as otherwise provided in Florida Statutes
139 320.0706 for front-end registration license plates on truck tractors, display the license
140 plate or both of the license plates assigned to it by the state;
- 141 (21) At any place in such a manner as to block access to commercial refuse containers by
142 authorized refuse removal equipment;
- 143 (22) Alongside any curb which has been painted yellow unless specifically permitted by
144 appropriate signs or devices posted by the city;
- 145 (23) In any city park or city recreation facility except where specifically permitted by an
146 official sign and, if so permitted, only for the purpose of, and during the time of,
147 visiting or using the park or recreation facility where such parking is provided.
- 148 (24) A trailer, whether attached to a vehicle or unattached to a vehicle, shall not be parked
149 on a public street between sunset and sunrise unless such trailer is specifically
150 permitted to be parked in such a manner pursuant to a valid special event permit.
- 151 (25) In a manner that obstructs public safety vehicles from accessing or traveling on any
152 roadway or accessing a public or private driveway.
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154 Sec. 13-17. - Obstructing traffic prohibited.

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156 No person shall stop, stand, or park any vehicle in a street in such a manner or under
157 conditions as to leave available less than ten (10) feet of the width of the roadway for free
158 movement of vehicular traffic, except that a driver may stop temporarily, if not in a school safety

159 zone, during the actual loading and unloading of passengers or when necessary in obedience to a
160 traffic regulation, or a traffic sign or signal, or a police officer. A driver may only stop
161 temporarily during the actual loading or unloading of passengers when in a designated school
162 drop-off zone.

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164 Sec. 13-18. - Parking for certain purposes prohibited.

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166 (a) If a vehicle is parked in violation of F.S. 316.1951, addressing parking for the principal
167 purpose and intent of displaying the motor vehicle for sale, hire, or rental, a law
168 enforcement officer may issue a parking violation notice and cause it to be immediately
169 removed at the owner's expense. The owner in violation of this provision shall be
170 assessed a penalty as provided in F.S. 318.18(21). A motor vehicle removed under this
171 section shall not be released from an impound or towing and storage facility before a
172 release form prescribed by the department has been completed verifying that the fine has
173 been paid to the government agency or authority that ordered immediate removal of the
174 motor vehicle. However, the owner may pay towing and storage charges to the towing
175 and storage facility pursuant to F.S. 713.78 before payment of the fine or before the
176 release form has been completed.

177 (b) No person shall stand or park a vehicle on any public street, or right-of-way thereof, or on
178 a public parking lot, or other public property, for the principal purpose of:

179 (1) Painting, greasing, or repairing such vehicle, except repairs necessitated by an
180 emergency;

181 (2) Washing or polishing such vehicle or any part, thereof;

182 (3) Displaying advertising;

183 (4) Selling merchandise from the vehicle, except in a duly established marketplace or
184 when so authorized or licensed under this code or other city ordinances.

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186 Sec. 13-19. - Unlawful moving of vehicle.

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188 No person shall move, or cause to be moved, any vehicle not lawfully under his control
189 into any prohibited area or away from a curb such a distance as is unlawful.

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191 Sec. 13-20. - Stopping, standing or parking in more than one space.

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193 (a) Any person who stops, stands or parks a vehicle in more than one space allotted for
194 stopping, standing or parking shall pay the appropriate fees or fines for the number of
195 spaces utilized.

196 (b) Separate parking violation notices will be issued for each space.

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198 Sec. 13-21. - Unattended motor vehicle.

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200 (a) No person driving or in charge of a motor vehicle shall permit it to stand unattended
201 without first stopping the engine, locking the ignition or transmission, or when standing

202 upon any perceptible grade without effectively setting the brake thereon and turning the
203 front wheels to the curb or side of the street.

204 (b) Whenever any motor vehicle standing unattended with the key in the ignition is found in
205 violation of this section, a police officer or is authorized to remove such key from such
206 vehicle and to post a notice in such vehicle stating where the key may be recovered.

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208 Sec. 13-22. - Removal and impounding of vehicles; conditions.

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210 The police department is hereby authorized to remove or cause to be removed, by any
211 towing service authorized by the city, any vehicle from any street, road right-of-way, parkway,
212 or other public parking area to a safe place of storage at the cost of the owner under the
213 following circumstances:

214 (1) When any vehicle is parked in violation of any provision of this chapter which
215 prohibits the parking of vehicles at the place where or at the time when the vehicle is
216 found.

217 (2) When any vehicle, the continued presence of which, because of the physical location
218 or condition of the vehicles, poses a danger to the public safety or to the motor
219 vehicle.

220 (3) When any vehicle is left unattended upon any street for any period of time longer
221 than twenty-four (24) hours in the a non-residential district and forty-eight (48) hours
222 in any residential district. The words "unattended vehicle" as used in this subsection
223 shall mean a vehicle not owned by or in possession of the owner or legal occupant of
224 the property adjacent to the right-of-way upon which the vehicle is parked.

225 (4) When a vehicle upon a street or right-of-way is so disabled as to constitute an
226 obstruction to traffic, or the person in charge of the vehicle is, by reasons of physical
227 injury or condition, incapacitated to such extent as to be unable to provide for its
228 custody or removal.

229 (5) When any vehicle is a stolen vehicle, or is subject to seizure and forfeiture under the
230 laws of this state, or of the United States, or is subject to being held for use as
231 evidence in a criminal trial.

232 (6) When any vehicle is parked on any city owned or leased parking facility or area
233 designated for use in connection with the City Hall or other municipal property in
234 violation of the posted signs and time permitted uses.

235 (7) When any vehicle, on at least two (2) prior occasions occurring within any twelve-
236 month period, has been found stopped, standing, or parked in any place within the
237 city limits in violation of this article and whose registered owner has failed or refused
238 to respond to prior parking violation notices for such offenses, and shall be again
239 found parked in any place within the city limits in violation of any provisions of this
240 article. Release of the vehicle shall only be permitted upon payment of outstanding
241 civil penalties, fees, and other related costs.

242 (8) When any vehicle is parked in a location which interferes with the passage of public
243 safety vehicles.

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Sec. 13-23. – Parking in Residential Districts.

- (a) No person shall park any vehicle over ten thousand (10,000) pounds gross weight, except for the purpose of loading and unloading, upon any of the streets in the city in those sections of the city zoned single- or multiple-family dwelling.
- (b) It shall be unlawful for any owner, agent, operator or person in charge of any truck or other commercial vehicle, boat, boat trailer or horse van to park, stop, store or keep same on any public street, avenue, alley or other thoroughfare, or any right-of-way therewith within any residential district in the city for a period exceeding one (1) hour in any twenty-four-hour period. Each such period shall commence at the time of first stopping or parking, unless a permit is first obtained from the police department of the city.
- (c) *Delivery and construction vehicles; emergency repairs.*
 - (1) The restrictions of paragraph (b) of this section shall not apply to the temporary parking of such vehicles in residential districts whereon construction is underway and the vehicle is performing a role in the construction process, for which a current and valid building permit has been issued by the city and such permit is properly displayed on the premises.
 - (2) The restrictions of paragraph (b) of this section shall not apply to a situation where such vehicle becomes disabled and as a result of such emergency is required to be parked within a residential district for longer than one (1) hour. However, such vehicle shall be removed from the residential district within twenty-four (24) hours by wrecker towing, if necessary, regardless of the nature of the emergency.
- (d) The provisions of paragraphs (a) and (b) of this section prohibiting the parking of buses in residential district of the city shall not apply to public and private school buses, including church school buses.
- (e) The chief of police of the city, or his duly authorized designee, may issue, upon proper application therefor by the owner, or his authorized representative, to the police department, a permit extending the parking time limits set forth in paragraph (b) of this section up to, but not exceeding twenty-four (24) hours upon establishing that such permit is requested in good faith for a reasonable cause shown or demonstrated to the chief of police, or his designee, and not for the purpose of avoiding the intent or objectives of this section.

281 Secs. 13-24—13-25. - Reserved.

282
283 Sec. 13-26. - Parking on certain portion of Barry Street.

284 The dedicated road right-of-way of Barry Street lying south of the north right-of-way line
285 of Mohawk Street and north of the north right-of-way line of State Highway 50 are hereby

286 designated and established as no-parking areas. Vehicular parking within the area described,
287 designated and established above is prohibited.

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289 Sec. 13-27. - Parking on certain portion of Myers Boulevard (State Highway 50).

290 The dedicated road right-of-way of Myers Boulevard, also known as State Highway 50,
291 lying east of the east right-of-way line of Barry Street and west of the west right-of-way line of
292 Talbot Avenue is hereby designated and established as a no-parking area. Vehicular parking
293 within the no-parking area described, designated and established above is prohibited.

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295 Sec. 13-28. - Placement of traffic-control signs.

296 (a) The public works department of the city, under the direction of the city police
297 department, is hereby authorized and directed to post the area as designated, established
298 and described in sections 13-26 and 13-27 by the placement of appropriate "no-parking"
299 official traffic-control signs at such specific locations and places as might be deemed
300 necessary to assure proper public notice.

301 (b) The police department is hereby authorized and directed to enforce the provisions of this
302 section in accordance with the traffic control laws of the state.

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304 Sec. 13-29. - Liability for payment of parking violation notice.

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306 Under authority of Chapter 316, Florida Statutes, the owner of a vehicle is responsible
307 and liable for payment of any parking violation under this chapter unless the owner can furnish
308 evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control
309 of another person. In such instances, the owner of the vehicle is required, within a reasonable
310 time after notification of the parking violation, to furnish to the Mascotte Police Department, the
311 name and address of the person or company who leased, rented, or otherwise had the care,
312 custody, or control of the vehicle. The owner of a vehicle is not responsible for parking
313 violations if the vehicle involved was, at the time, stolen or in the care, custody, or control of
314 some person who did not have permission of the owner to use the vehicle. Prima facie evidence
315 that the vehicle involved was, at the time, stolen or in the care, custody, or control of some
316 person who did not have permission of the owner to use the vehicle, shall be in the form of a
317 report from the appropriate law enforcement official that the said vehicle was not under the care,
318 custody, or control of the owner of the vehicle.

319 Sec. 13-30. - Notice on illegally parked vehicle.

320

321 When any vehicle without a driver is found parked, stopped, or standing in violation of
322 any of the restrictions imposed by ordinance of this city or by state law, the officer finding such a
323 vehicle shall take its license tag number and may take any other information displayed on the
324 vehicle which may identify its user, and shall conspicuously affix to such vehicle a parking
325 violation notice, on a form provided by the city for the driver/owner to pay the civil penalty
326 specified or answer to the charge against him within five (5) calendar days during the hours and
327 at a place specified in the notice. The envelope portion of the notice will be torn off and placed

328 under the windshield wiper of the vehicle and the original parking violation notice shall be
329 turned into the traffic violations division by the officer.

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334 Sec. 13-31. - Issuance of parking violation notices
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336 (a) When any law enforcement officer with jurisdiction in the city finds a vehicle in violation
337 of a restriction in this chapter, he shall issue a parking violation notice to the owner of the
338 vehicle by placing the parking violation notice in a conspicuous place on the vehicle.
339 Such parking violation notice form shall contain language providing notice of the
340 following, at a minimum:

- 341 (1) The type of violation and amount of penalty imposed by this chapter.
- 342 (2) Make or style, and color of the vehicle, its license plate number, state of tag,
343 expiration month and year of tag, and year of vehicle, if available.
- 344 (3) The procedures to be followed in either paying the penalty or, in the alternative, to
345 contest the parking violation notice.
- 346 (4) The number of days allowed to pay the penalty.
- 347 (5) The name and address of the issuing agency.
- 348 (6) Date and time of issuance.
- 349 (7) Issuing officer's signature.

350
351 (b) Each day that a parking violation occurs constitutes a separate offense for which a
352 parking violation notice may be issued.

353 (c) Pursuant to general law, the owner of a vehicle is responsible and liable for payment of
354 any parking violation notice unless the owner can furnish evidence that the vehicle was,
355 at the time of the parking violation, in the care, custody, or control of another person. In
356 such instances, the owner of the vehicle is required, within thirty (30) days after the
357 issuance of the parking violation notification, to furnish to the police department, an
358 affidavit setting forth the name, address, and Driver's License number of the person who
359 leased, rented or otherwise had the care, custody, or control of the vehicle. In the event
360 the vehicle was not in the custody of the owner due to theft, the owner of the vehicle is
361 required within such thirty days to furnish to the police department an affidavit that the
362 vehicle was stolen together with a stolen vehicle police report. The affidavits submitted
363 pursuant to this section shall be admissible in a proceeding charging a parking violation
364 to the person who had care, custody or control of the vehicle and shall raise a rebuttable
365 presumption that the person identified in the affidavit is responsible for payment of the
366 parking violation notice.

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368 Sec. 13-32. - Penalties.
369

370 The following civil penalties shall be imposed upon the owner of any motor vehicle found to be
371 in violation of the following sections of this chapter:

372	<u>Violation</u>	<u>Amount of Civil Penalty</u>
373	<u>Parking where prohibited</u>	<u>35.00</u>
374	<u>Improper parking</u>	<u>35.00</u>
375	<u>Parking after hours</u>	<u>35.00</u>
376	<u>Left wheels to curb</u>	<u>35.00</u>
377	<u>Obstructing traffic</u>	<u>35.00</u>
378	<u>Unauthorized parking in disabled space</u>	<u>250.00</u>
379	<u>Parking in a fire lane</u>	<u>100.00</u>
380	<u>Parking on sidewalk</u>	<u>35.00</u>
381	<u>Blocking driveway</u>	<u>35.00</u>
382	<u>Parking within 15 feet of fire hydrant</u>	<u>35.00</u>
383	<u>Unlicensed vehicle</u>	<u>35.00</u>
384	<u>Parking over the line</u>	<u>35.00</u>
385	<u>Parking on parkway or right-of-way</u>	<u>35.00</u>

386 provided the penalty is paid within thirty (30) calendar days of the date of issuance of
387 the parking violation.
388

389 Sec. 13-33. – Payment of Fine; Appearance to Contest Parking Violation Notice in County
390 Court.

391
392 (a) Any person cited for a violation of this chapter may pay the civil penalty for a non-
393 criminal violation as provided in Sec. 13-32 of this section in lieu of a court appearance
394 as follows:

395 (1) Any person cited shall pay the civil penalty within 30 calendar days from the date the
396 parking violation notice was issued. Except for a violation of section 13-16(18), for
397 second or subsequent violations within 365 days of the initial violation, the fine is
398 doubled.

399 (2) Fines shall be paid to the city clerk during regular business hours.

400 (3) Except for a violation of section 13-16(18), if a person cited for a violation in this
401 chapter fails to pay the prescribed civil penalty within 30 calendar days of issuance of
402 a parking violation notice, the amount of the civil penalty assessed shall be doubled

403 and the person so cited must pay the doubled civil penalty within 40 calendar days of
404 the date of the parking violation notice.

405 (b) If a person cited chooses to contest the violation by appearing in county court, the person
406 shall notify the city clerk in writing within the time period provided to pay the civil
407 penalty. Any person requesting a hearing shall execute a statement on a form provided by
408 the city clerk indicating his willingness to appear at such hearing at a time and place
409 specified.

410 (c) The clerk of the court shall supply the department of highway safety and motor vehicles
411 with a magnetically encoded computer tape reel or cartridge or send by other electronic
412 means data which is machine readable by the installed computer system at the
413 department, listing persons who have three or more outstanding violations, and persons
414 who have outstanding violation of any ordinance that regulates parking in spaces
415 designated for use by persons who have disabilities. Pursuant to F.S. § 320.03(8), a
416 license plate or revalidation sticker may not be issued to persons on the list provided to
417 the department until the person presents a receipt from the clerk showing that the fines
418 outstanding have been paid.

419 (d) If the person cited fails to pay the civil penalty in accordance with subsection (a) of this
420 section, or the person cited chooses to contest the parking violation notice, the person
421 cited shall be required to appear at a hearing before the county court or hearing officer.
422 At the hearing the city and the person cited may provide testimony and other evidence
423 relating to the violation. The county court judge or hearing officer will determine whether
424 or not the person cited committed the violation contained in the parking violation notice.
425 If the person cited is found in violation, except a violation of section 13-16(18), the
426 county court judge or hearing officer shall require the person cited to pay a civil penalty
427 not less than the penalty provided in this section, court costs, and costs incurred by the
428 city to prosecute the violation. If the person cited is found not to be in violation, no costs
429 or penalty shall be imposed.

430

431 Sec. 13-34. Court appearance.

432 (a) In the event that payment is not received or a written request for a hearing is not made
433 within the time period provided for payment, the city shall file the parking violation
434 notice with the clerk of the court for placement on the traffic court docket. Notice of the
435 hearing date thereon shall be promptly provided by the clerk of the court to the owner of
436 the vehicle in question by certified mail, return receipt requested.

437 (b) Pursuant to F.S. § 316.1967(3), an election to request a hearing constitutes a waiver of
438 the right to pay the penalty indicated on the parking violation notice, and the hearing
439 official, after the hearing and upon making a determination that a violation has been
440 committed, may impose a civil penalty not less than the penalty provided in section 13-
441 32, nor more than \$100.00 for each violation except a violation of section 13-16(18), plus
442 city costs incurred to prosecute the violations and court costs for each violation.

443

444 Sec. 13-35. Disposition of civil penalties and costs.

445 All fines, penalties, and costs collected upon conviction or payment of designated civil
446 penalty by any person so charged with a violation of any of the provisions of this chapter shall be
447 paid in the city treasury and deposited in the general fund of the City of Mascotte, except that
448 25% of each fine or penalty sum collected shall be allocated to training for city police officers or
449 police community outreach efforts per discretion of the City Manager.

450
451 Sec. 13-36. - Failure to obey notice; alteration or destruction of notice prohibited.
452

453 (a) The registered owner of a motor vehicle who willfully neglects to answer to the charge
454 set forth in a parking violation notice affixed to such motor vehicle by an officer or
455 served on an individual shall be held to have violated this chapter.

456 (b) The parking violations notice referred to in subsection (a) of this section is and shall
457 remain the property of the City of Mascotte before and after the serving, delivery or
458 affixing thereof and is and shall be considered an integral part of the police department.
459 All persons receiving any such notice in writing, whether by personal service or by
460 affixing the same to a motor vehicle, shall be and are hereby required to preserve such
461 notice and to bring and present or otherwise transmit the same to the traffic violations
462 division when answering the charge set forth in such notice.

463 (c) No person, whether the recipient thereof or otherwise, shall willfully throw away, alter,
464 mar, mutilate, destroy or discard the written notice of the city described in subsection (a)
465 of this section.

466 (d) No person finding affixed to any vehicle the written notice of the city described in
467 subsection (a) of this section, whether the person be the owner, operator or driver of, a
468 passenger in, the vehicle to which same is affixed, shall willfully throw away, alter, mar,
469 mutilate, destroy or discard the written notice of the city so found affixed to such a
470 vehicle.

471 (e) No person not being the owner or having charge of and operating or driving a vehicle, to
472 which may be found affixed the written notice of the city described in subsection (a) of
473 this section, shall willfully remove, take away, throw away, mar, alter, mutilate, destroy
474 or discard any such written notice so affixed, nor shall any person receive any such notice
475 from another for the purpose of so mutilating or destroying such notice or for the purpose
476 of constituting himself the agent of the recipient for any purpose other than the proper
477 and lawful adjustment, at the traffic violations division.

478 (f) Any person who violates this section shall be subject to an additional fine of one hundred
479 dollars (\$100.00). If the person cited with this violation wishes to contest this additional
480 fine, the person may request a hearing in county court within thirty (30) days. If a person
481 charged under this section fails to pay the fine or request a hearing within thirty (30)
482 days, the City may file charges against said offender as a city ordinance violation in the
483 Lake County Clerk of Court to be treated as a second degree misdemeanor.

484
485 **SECTION 3.** Chapter 22, Section 22-6 of the City of Mascotte Code of Ordinances is
486 hereby amended as follows:

487 Sec. 22-6. - Parking regulations in residential districts.

488 The following regulations shall apply to all residential districts as defined and designated
489 on the official zoning map of the city.

490 (a) *Definitions.*

491 (1) *Boat trailer:* A trailer which is used for or is designed for use in carrying boats.

492 (2) *Capacity:* The maximum weight of the land which is designed to safely carry or in
493 the case of tractors or other towing vehicles, the maximum weight of the load which
494 such vehicle is designed to safely tow. The capacity of a vehicle shall be that
495 designated by the manufacturer of the vehicle or that designated by the state
496 department of motor vehicles for the issuance of a license plate for such vehicle,
497 whichever is the lesser.

498 (3) *Commercial vehicle:* Every vehicle designed, used or maintained primarily for the
499 transportation of property, including buses used for the transportation of person,
500 whether or not such buses are for hire.

501 ~~(4) *Horse van:* A trailer which is used for or is designed for use in carrying horses.~~

502 ~~(b) *Motor vehicles prohibited or restricted in residential districts.* It shall be unlawful for any
503 owner, agent, operator or person in charge of any truck or other commercial vehicle, boat,
504 boat trailer or horse van to park, stop, store or keep same on any public street, avenue,
505 alley or other thoroughfare, or any right of way therewith within any residential district
506 in the city for a period exceeding one (1) hour in any twenty four hour period. Each such
507 period shall commence at the time of first stopping or parking, unless a permit is first
508 obtained from the police department of the city.~~

509 ~~(c) *Delivery and construction vehicles; emergency repairs.*~~

510 ~~(1) The restrictions of paragraph (b) of this section shall not apply to the temporary
511 parking of such vehicles on private property in residential districts whereon
512 construction is underway, for which a current and valid building permit has been
513 issued by the city and such permit is properly displayed on the premises.~~

514 ~~(2) The restrictions of paragraph (b) of this section shall not apply to a situation where
515 such vehicle becomes disabled and as a result of such emergency is required to be
516 parked within a residential district for longer than one (1) hour. However, such
517 vehicle shall be removed from the residential district within twenty four (24) hours by
518 wrecker towing, if necessary, regardless of the nature of the emergency.~~

519 ~~(d) (b) *Permissive parking.*~~

520 (1) A panel, pickup or similar type of truck or commercial vehicle of not more than one-
521 and-one-half ton rated capacity may be parked on a plot in a residential district.
522 However, such vehicle must be used by a resident of the premises and there shall be
523 no more than one (1) such truck to each plot.

524 ~~(2) The provisions of paragraphs (a) and (b) of this section prohibiting the parking of buses in
525 residential district of the city shall not apply to public and private school buses,
526 including church school buses.~~

527 ~~(3)~~ (2) Major recreational equipment other than boats and boat trailers, including, but not
528 limited to, recreational vehicles, motor homes, recreational trailers, travel trailers,
529 camper trailers, pickup trailers or coaches, topper camper, and slide out campers,
530 shall not be parked, kept or maintained within any front yard of premises in a
531 residential zone; however, any such major recreational equipment other than boats
532 and boat trailers may be parked in the side yard behind the front building line or in
533 the rear yard of premises in a residential district; provided that:

534 a. Said equipment is owned by the owner or occupant of the property upon which
535 said equipment is stored for the personal use of such owner or occupant rather
536 than for rent or hire.

537 b. Said equipment is not used for residential, office or commercial purposes
538 while so parked or stored.

539 c. Said equipment is not used for sleeping, housekeeping or living quarters while
540 so parked or stored.

541 d. Said equipment is located or stored to the rear of the front building line and on
542 corner lots behind the side building line or is located in a garage or carport.

543 e. Said equipment is not located or stored on any part of any road right-of-way.

544 f. Said equipment must be located on the property of an established residence
545 and may not be parked or stored on vacant residential property.

546 g. Said equipment may not be connected or hooked up to water or electricity,
547 except for purposes of filling water tanks and recharging battery systems,
548 while parked or stored on the premises.

549 h. Said equipment is parked on an improved parking surface which shall consist
550 of asphalt, crushed stone, crushed shell, paving bricks or other such
551 nonconcrete improvements which would render the parking surface
552 sufficiently dust free. No such improved parking surface will be deemed to
553 constitute a "structure" which is prohibited within a side yard setback area.

554 i. Nor more than one (1) recreational vehicle shall be stored on or located within
555 any one lot or parcel of land in a residential district. Major recreational
556 equipment may be parked anywhere on residential premises for a period not to
557 exceed twenty-four (24) hours during loading or unloading. Major recreational
558 equipment may be parked in a driveway in the front yard of premises in a
559 residential district for a period not to exceed seventy-two (72) continuous
560 hours during any one (1) period of thirty (30) consecutive days if the person in
561 possession and control thereof is a visitor of the owner or occupant of the
562 residential premises during the entire period of parking, and the equipment is
563 not parked within five (5) feet of a right-of-way line of any public road or
564 street.

565 ~~(4)~~ (3) Boats and boat trailers:

566 a. *Exceeding twenty-two (22) feet in length.* No boat exceeding twenty-two (22)
567 feet overall in length, or boat trailer capable of carrying a boat exceeding
568 twenty-two (22) feet overall in length shall be parked or kept on premises in a

569 residential zone except in the rear yard of such premises, or in the side yard of
570 such premises if parked or kept within a garage or other opaque structure
571 enclosed on at least three (3) sides.

572 b. *Not exceeding twenty-two (22) in length.* Boats not exceeding twenty-two (22)
573 feet overall in length, and boat trailers designed to carry a boat not exceeding
574 twenty-two (22) feet overall in length, shall not be parked or kept in the front
575 or side yard of premises in a residential zone except under the following
576 conditions and restrictions:

577 1. The boat or boat trailer must be parked on a concrete or paved driveway
578 or surface, and in no event shall any such boat or boat trailer be allowed to
579 encroach on a street or thoroughfare.

580 2. The boat or boat trailer shall not be parked on any premises so as to
581 impair or obstruct the visibility or line of sight of the operator of any
582 motor vehicle traveling upon any street or thoroughfare.

583 3. All open and interior areas of the boat must be kept covered with an
584 opaque cover of canvas, nylon, plastic or similar sturdy material securely
585 fastened to the boat in such a manner as to effectively prevent ready or
586 easy access into the boat by children under ten (10) years of age, and so as
587 to prevent visibility into the interior of the boat by persons traveling on
588 public property. "Open and interior areas of the boat" shall mean areas of
589 the boat, other than decks and exterior walkways, designed to be occupied
590 by passengers and operators of the boat.

591 4. The boat must bear a current and valid state registration number and
592 decal.

593 5. The boat trailer must bear a current and valid state license plate.

594 6. The boat must be used primarily for recreational purposes.

595 7. The boat and boat trailer must be kept and maintained in a reasonably neat
596 and clean appearance so as not to be or become a eyesore detracting from
597 the aesthetic quality of the premises and neighborhood.

598 ~~(e)~~ (c) *Enforcement.*

599 (1) Nothing contained in paragraph (b) of this section permitting the parking of one (1)
600 truck-type vehicle, one-and-one-half-ton rated capacity or less on a plot in a
601 residential district shall be considered permission to engage in any type of
602 commercial activities from any location within a residential district unless otherwise
603 permitted by the City's Municipal Code.

604 ~~(2) — The chief of police of the city, or his duly authorized designee, may issue, upon proper~~
605 ~~application therefor by the owner, or his authorized representative, to the police~~
606 ~~department, a permit extending the parking time limits set forth in paragraph (b) of~~
607 ~~this section up to, but not exceeding twenty-four (24) hours upon establishing that~~
608 ~~such permit is requested in good faith for a reasonable cause shown or demonstrated~~
609 ~~to the chief of police, or his designee, and not for the purpose of avoiding the intent or~~
610 ~~objectives of this section.~~

611 ~~(3)~~ (2) This section is primarily for the purpose of protecting the residential property in the
612 city against the lingering presence of commercial vehicle and the protection of
613 property values in such districts. Therefore, any provisions of this chapter or any
614 other ordinance of the city of laws of the State of Florida providing for the regulation
615 of motor vehicles or for purposes of zoning, imposes more stringent requirements,
616 regulations, restrictions or limitations that are imposed or required by the provisions
617 of this section, then the more stringent requirements, regulations, restrictions or
618 limitations shall apply.

619 ~~(4)~~ (3) The nonconforming use provisions of the City of Mascotte Zoning Ordinance shall
620 not apply to this section.

621 ~~(5)~~ (4) This section shall not be construed as authorizing trucks to utilize any street or other
622 public thoroughfare of the city over which such vehicular traffic is now or hereafter
623 prohibited by the provisions of this chapter or any other ordinance or lawful order of
624 the police department.

625 ~~(6)~~ (5) Any violation of this section shall constitute an offense against the city punishable
626 upon conviction by fine or imprisonment or both, not exceeding the minimum penalty
627 prescribed by city ordinance. In addition to the punishment hereinabove authorized,
628 or as an alternate thereto, the provisions of this section may be enforced through the
629 powers and authority of the city council.

630

631 **SECTION 4. SEVERABILITY.** If any section, sentence, phrase, word, or portion of
632 this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall
633 not be held to invalidate or impair the validity, force or effect of any other section, sentence,
634 phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or
635 unconstitutional.

636 **SECTION 5. CODIFICATION.** It is the intent of the City Council of the City of
637 Mascotte that the provisions of this Ordinance shall be codified. The codifier is granted broad
638 and liberal authority in renumbering and codifying the provision of this Ordinance; article and
639 section numbers assigned throughout are suggested by the City.

640 **SECTION 6. CONFLICTS.** All ordinances or part of ordinances in conflict with this
641 Ordinance are hereby repealed.

642 **SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective immediately
643 upon its passage and adoption.

644

645 **PASSED and ADOPTED** at a regular meeting of the City Council of the City of Mascotte,
646 Florida, this ____ day of _____, 2021.

647

648

649

Mike Sykes, Mayor

650 Attest:

651

652 Stephanie Abrams, City Clerk