



AGENDA ITEM REPORT

Meeting Date: June 01, 2021

Contact Name: Eric Pedersen

Department: Police

Subject: Final reading of 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:

[2021-06-616 Parking](#)

Type of Item:

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

Local Planning Agency

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ORDINANCE NO. 2021-06-616

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MASCOTTE, FLORIDA, AMENDING CHAPTER 13 AND 22 OF ITS CODE OF ORDINANCES, PROVIDING FOR REGULATION OF STOPPING, STANDING AND PARKING WITH RESPECT TO PUBLIC ROADWAYS AND IN THE CITY; AMENDING REGULATIONS REGARDING PARKING WITHIN RESIDENTIAL DISTRICTS; PROVIDING FOR SEVERABILITY, CODIFICATION; CONFLICTS; AND AN EFFECTIVE DATE.

WHEREAS, the City of Mascotte has broad home-rule powers to enact ordinances which are not inconsistent with general or special law for the purposes of protecting the public health, safety, and welfare of its citizens; and

WHEREAS, the legislature of the State of Florida has delegated to local governments the authority to reasonably regulate parking “with respect to streets and highways under their jurisdiction”; and

WHEREAS, City Council finds that the regulations set forth herein are reasonable and serve the public health, safety, and welfare of the citizens of Mascotte, Florida.

NOTE: Underlined words constitute additions to the City of Mascotte Code of Ordinances, asterisks (***) indicate an omission from the existing text which is intended to remain unchanged, and strikethrough constitutes deletions from the Code of Ordinances.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MASCOTTE, FLORIDA, AS FOLLOWS:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals in the “Whereas” clauses above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. Chapter 13, Article II – Stopping, Standing, Parking of the City of Mascotte Code of Ordinances is hereby amended as follows:

ARTICLE II. – STOPPING, STANDING, PARKING

Sec. 13 – 13. - Definitions

As used in this article, words shall have the meaning indicated unless the context clearly indicates otherwise:

Horse van: A trailer which is used for or is designed for use in carrying horses.

Motor vehicle means any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle or moped.

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 open
41 to use of the public for purposes of vehicular traffic, lying outside a roadway as herein defined, or
42 that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent
43 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 place
55 of whatever nature when any part thereof is open to the use of the public for purposes of vehicular
56 traffic.

57 Traffic control device means all signs, signals, markings and devices, not inconsistent with
58 Chapter 316 of the Florida Statutes, placed or erected by authority of a public body or official
59 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 the
71 State Uniform Traffic Control law, pertaining to the parking of vehicles, are hereby adopted by
72 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.

78 Sec. 13-15. - Manner.
79

- 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 upon
84 a one-way roadway shall be so stopped or parked parallel to the curb or roadway, in the
85 direction of authorized traffic movement, with its right-hand wheels within twelve (12)
86 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within twelve
87 (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 be
89 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 merchandise
92 or materials is permitted, a vehicle used for transportation or merchandise or materials may
93 back into the curb to take on or discharge its load.
94

95 Sec. 13-16. - Prohibited areas.
96

97 No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with
98 other traffic or in compliance with the directions of a police officer or traffic control device, in any
99 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, except
120 commercial vehicles engaged in loading or unloading, known as double parking;
- 121 (13) Upon any bridge or other elevated structure upon a highway;
- 122 (14) At any place where official traffic control devices prohibit stopping or parking;
- 123 (15) In a road right-of-way or parkway other than under emergency conditions;
- 124 (16) Within any officially designated fire lane on public or private property;
- 125 (17) On any railroad tracks;
- 126 (18) In any designated public parking space located on city owned or leased property or on
127 private property that is specifically designated for physically disabled persons in
128 accordance with Florida Statutes Section 316.1955, unless such person is a disabled
129 person as defined in Section 316.1955 and the vehicle displays a valid parking permit
130 or license plate in accordance with the requirements of Florida Statutes, or unless such
131 person is momentarily parking in such parking space for the purpose of unloading or
132 loading a disabled person;
- 133 (19) On a bicycle path or lane;
- 134 (20) In a roadway, right-of-way or parkway, or in any city owned or leased property, unless
135 the vehicle is licensed in the name of the owner thereof in accordance with the laws of
136 this state unless such vehicle is not required by the laws of this state to be licensed in
137 this state and shall, except as otherwise provided in Florida Statutes 320.0706 for front-
138 end registration license plates on truck tractors, display the license plate or both of the
139 license plates assigned to it by the state;
- 140 (21) At any place in such a manner as to block access to commercial refuse containers by
141 authorized refuse removal equipment;
- 142 (22) Alongside any curb which has been painted yellow unless specifically permitted by
143 appropriate signs or devices posted by the city;
- 144 (23) In any city park or city recreation facility except where specifically permitted by an
145 official sign and, if so permitted, only for the purpose of, and during the time of, visiting
146 or using the park or recreation facility where such parking is provided.
- 147 (24) A trailer, whether attached to a vehicle or unattached to a vehicle, shall not be parked
148 on a public street between sunset and sunrise unless such trailer is specifically permitted
149 to be parked in such a manner pursuant to a valid special event permit.
- 150 (25) In a manner that obstructs public safety vehicles from accessing or traveling on any
151 roadway or accessing a public or private driveway.

153 Sec. 13-17. - Obstructing traffic prohibited.

154
155 No person shall stop, stand, or park any vehicle in a street in such a manner or under
156 conditions as to leave available less than ten (10) feet of the width of the roadway for free
157 movement of vehicular traffic, except that a driver may stop temporarily, if not in a school safety
158 zone, during the actual loading and unloading of passengers or when necessary in obedience to a

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

162 Sec. 13-18. - Parking for certain purposes prohibited.
163

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

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

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

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

180 (3) Displaying advertising;

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

184 Sec. 13-19. - Unlawful moving of vehicle.
185

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

189 Sec. 13-20. - Stopping, standing or parking in more than one space.
190

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

194 (b) Separate parking violation notices will be issued for each space.
195

196 Sec. 13-21. - Unattended motor vehicle.
197

198 (a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without
199 first stopping the engine, locking the ignition or transmission, or when standing upon any
200 perceptible grade without effectively setting the brake thereon and turning the front wheels
201 to the curb or side of the street.

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

205
206 Sec. 13-22. - Removal and impounding of vehicles; conditions.
207

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

- 212 (1) When any vehicle is parked in violation of any provision of this chapter which prohibits
213 the parking of vehicles at the place where or at the time when the vehicle is found.
- 214 (2) When any vehicle, the continued presence of which, because of the physical location
215 or condition of the vehicles, poses a danger to the public safety or to the motor vehicle.
- 216 (3) When any vehicle is left unattended upon any street for any period of time longer than
217 twenty-four (24) hours in the a non-residential district and forty-eight (48) hours in any
218 residential district. The words "unattended vehicle" as used in this subsection shall
219 mean a vehicle not owned by or in possession of the owner or legal occupant of the
220 property adjacent to the right-of-way upon which the vehicle is parked.
- 221 (4) When a vehicle upon a street or right-of-way is so disabled as to constitute an
222 obstruction to traffic, or the person in charge of the vehicle is, by reasons of physical
223 injury or condition, incapacitated to such extent as to be unable to provide for its
224 custody or removal.
- 225 (5) When any vehicle is a stolen vehicle, or is subject to seizure and forfeiture under the
226 laws of this state, or of the United States, or is subject to being held for use as evidence
227 in a criminal trial.
- 228 (6) When any vehicle is parked on any city owned or leased parking facility or area
229 designated for use in connection with the City Hall or other municipal property in
230 violation of the posted signs and time permitted uses.
- 231 (7) When any vehicle, on at least two (2) prior occasions occurring within any twelve-
232 month period, has been found stopped, standing, or parked in any place within the city
233 limits in violation of this article and whose registered owner has failed or refused to
234 respond to prior parking violation notices for such offenses, and shall be again found
235 parked in any place within the city limits in violation of any provisions of this article.
236 Release of the vehicle shall only be permitted upon payment of outstanding civil
237 penalties, fees, and other related costs.
- 238 (8) When any vehicle is parked in a location which interferes with the passage of public
239 safety vehicles.

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

245
246 (a) No person shall park any vehicle over ten thousand (10,000) pounds gross weight, except
247 for the purpose of loading and unloading, upon any of the streets in the city in those
248 sections of the city zoned single- or multiple-family dwelling.

249 (b) It shall be unlawful for any owner, agent, operator or person in charge of any vehicle over
250 ten thousand (10,000) pounds gross weight, boat, boat trailer, or horse van to park, stop,
251 store or keep same on any public street, avenue, alley or other thoroughfare, or any right-
252 of-way therewith within any residential district in the city for a period exceeding one (1)
253 hour in any twenty-four-hour period. Each such period shall commence at the time of first
254 stopping or parking, unless a permit is first obtained from the police department of the city.

255 (c) Delivery and construction vehicles; emergency repairs.

256 (1) The restrictions of paragraph (b) of this section shall not apply to the temporary parking
257 of such vehicles in residential districts whereon construction is underway and the
258 vehicle is performing a role in the construction process, for which a current and valid
259 building permit has been issued by the city and such permit is properly displayed on
260 the premises.

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

266 (d) The provisions of paragraphs (a) and (b) of this section prohibiting the parking of buses in
267 residential district of the city shall not apply to public and private school buses, including
268 church school buses.

269 (e) The chief of police of the city, or his duly authorized designee, may issue, upon proper
270 application therefor by the owner, or his authorized representative, to the police
271 department, a permit extending the parking time limits set forth in paragraph (b) of this
272 section up to, but not exceeding twenty-four (24) hours upon establishing that such permit
273 is requested in good faith for a reasonable cause shown or demonstrated to the chief of
274 police, or his designee, and not for the purpose of avoiding the intent or objectives of this
275 section.

276
277 Secs. 13-24—13-25. - Reserved.

278
279 Sec. 13-26. - Parking on certain portion of Barry Street.

280 The dedicated road right-of-way of Barry Street lying south of the north right-of-way line
281 of Mohawk Street and north of the north right-of-way line of State Highway 50 are hereby
282 designated and established as no-parking areas. Vehicular parking within the area described,
283 designated and established above is prohibited.

284
285 Sec. 13-27. - Parking on certain portion of Myers Boulevard (State Highway 50).

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

290

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

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

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

299

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

301

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

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

316

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

326

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329

330 Sec. 13-31. - Issuance of parking violation notices

331

332 (a) When any law enforcement officer with jurisdiction in the city finds a vehicle in violation
333 of a restriction in this chapter, he shall issue a parking violation notice to the owner of the
334 vehicle by placing the parking violation notice in a conspicuous place on the vehicle. Such
335 parking violation notice form shall contain language providing notice of the following, at
336 a minimum:

337 (1) The type of violation and amount of penalty imposed by this chapter.

338 (2) Make or style, and color of the vehicle, its license plate number, state of tag, expiration
339 month and year of tag, and year of vehicle, if available.

340 (3) The procedures to be followed in either paying the penalty or, in the alternative, to
341 contest the parking violation notice.

342 (4) The number of days allowed to pay the penalty.

343 (5) The name and address of the issuing agency.

344 (6) Date and time of issuance.

345 (7) Issuing officer's signature.

346

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

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

362

363 Sec. 13-32. - Penalties.

364

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

367 Violation Amount of Civil Penalty

368 Parking where prohibited 35.00

369 Improper parking 35.00

370	<u>Parking after hours</u>	<u>35.00</u>
371	<u>Left wheels to curb</u>	<u>35.00</u>
372	<u>Obstructing traffic</u>	<u>35.00</u>
373	<u>Unauthorized parking in disabled space</u>	<u>250.00</u>
374	<u>Parking in a fire lane</u>	<u>100.00</u>
375	<u>Parking on sidewalk</u>	<u>35.00</u>
376	<u>Blocking driveway</u>	<u>35.00</u>
377	<u>Parking within 15 feet of fire hydrant</u>	<u>35.00</u>
378	<u>Unlicensed vehicle</u>	<u>35.00</u>
379	<u>Parking over the line</u>	<u>35.00</u>
380	<u>Parking on parkway or right-of-way</u>	<u>35.00</u>

381 provided the penalty is paid within thirty (30) calendar days of the date of issuance of
382 the parking violation.
383

384 Sec. 13-33. – Payment of Fine; Appearance to Contest Parking Violation Notice in County
385 Court.
386

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

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

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

394 (3) Except for a violation of section 13-16(18), if a person cited for a violation in this
395 chapter fails to pay the prescribed civil penalty within 30 calendar days of issuance of
396 a parking violation notice, the amount of the civil penalty assessed shall be doubled
397 and the person so cited must pay the doubled civil penalty within 40 calendar days of
398 the date of the parking violation notice.

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

403 (c) The clerk of the court shall supply the department of highway safety and motor vehicles
404 with a magnetically encoded computer tape reel or cartridge or send by other electronic
405 means data which is machine readable by the installed computer system at the department,

406 listing persons who have three or more outstanding violations, and persons who have
407 outstanding violation of any ordinance that regulates parking in spaces designated for use
408 by persons who have disabilities. Pursuant to F.S. § 320.03(8), a license plate or
409 revalidation sticker may not be issued to persons on the list provided to the department
410 until the person presents a receipt from the clerk showing that the fines outstanding have
411 been paid.

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

423

424 Sec. 13-34. Court appearance.

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

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

436

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

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

443

444 Sec. 13-36. - Failure to obey notice; alteration or destruction of notice prohibited.

445

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

- 449 (b) The parking violations notice referred to in subsection (a) of this section is and shall remain
450 the property of the City of Mascotte before and after the serving, delivery or affixing
451 thereof and is and shall be considered an integral part of the police department. All persons
452 receiving any such notice in writing, whether by personal service or by affixing the same
453 to a motor vehicle, shall be and are hereby required to preserve such notice and to bring
454 and present or otherwise transmit the same to the traffic violations division when answering
455 the charge set forth in such notice.
- 456 (c) No person, whether the recipient thereof or otherwise, shall willfully throw away, alter,
457 mar, mutilate, destroy or discard the written notice of the city described in subsection (a)
458 of this section.
- 459 (d) No person finding affixed to any vehicle the written notice of the city described in
460 subsection (a) of this section, whether the person be the owner, operator or driver of, a
461 passenger in, the vehicle to which same is affixed, shall willfully throw away, alter, mar,
462 mutilate, destroy or discard the written notice of the city so found affixed to such a vehicle.
- 463 (e) No person not being the owner or having charge of and operating or driving a vehicle, to
464 which may be found affixed the written notice of the city described in subsection (a) of this
465 section, shall willfully remove, take away, throw away, mar, alter, mutilate, destroy or
466 discard any such written notice so affixed, nor shall any person receive any such notice
467 from another for the purpose of so mutilating or destroying such notice or for the purpose
468 of constituting himself the agent of the recipient for any purpose other than the proper and
469 lawful adjustment, at the traffic violations division.
- 470 (f) Any person who violates this section shall be subject to an additional fine of one hundred
471 dollars (\$100.00). If the person cited with this violation wishes to contest this additional
472 fine, the person may request a hearing in county court within thirty (30) days. If a person
473 charged under this section fails to pay the fine or request a hearing within thirty (30) days,
474 the City may file charges against said offender as a city ordinance violation in the Lake
475 County Clerk of Court to be treated as a second degree misdemeanor.

476

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

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

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

482 (a) *Definitions.*

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

484 (2) *Capacity:* The maximum weight of the load which is designed to safely carry or in the
485 case of tractors or other towing vehicles, the maximum weight of the load which such
486 vehicle is designed to safely tow. The capacity of a vehicle shall be that designated by
487 the manufacturer of the vehicle or that designated by the state department of motor
488 vehicles for the issuance of a license plate for such vehicle, whichever is the lesser.

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

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

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

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

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

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

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

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

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

518 ~~(3)~~ (2) Major recreational equipment other than boats and boat trailers, including, but not
519 limited to, recreational vehicles, motor homes, recreational trailers, travel trailers,
520 camper trailers, pickup trailers or coaches, topper camper, and slide out campers, shall
521 not be parked, kept or maintained within any front yard of premises in a residential
522 zone; however, any such major recreational equipment other than boats and boat trailers
523 may be parked in the side yard behind the front building line or in the rear yard of
524 premises in a residential district; provided that:

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

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

- 530 c. Said equipment is not used for sleeping, housekeeping or living quarters while
531 so parked or stored.
- 532 d. Said equipment is located or stored to the rear of the front building line and on
533 corner lots behind the side building line or is located in a garage or carport.
- 534 e. Said equipment is not located or stored on any part of any road right-of-way.
- 535 f. Said equipment must be located on the property of an established residence and
536 may not be parked or stored on vacant residential property.
- 537 g. Said equipment may not be connected or hooked up to water or electricity,
538 except for purposes of filling water tanks and recharging battery systems, while
539 parked or stored on the premises.
- 540 h. Said equipment is parked on an improved parking surface which shall consist
541 of asphalt, crushed stone, crushed shell, paving bricks or other such nonconcrete
542 improvements which would render the parking surface sufficiently dust free. No
543 such improved parking surface will be deemed to constitute a "structure" which
544 is prohibited within a side yard setback area.
- 545 i. Nor more than one (1) recreational vehicle shall be stored on or located within
546 any one lot or parcel of land in a residential district. Major recreational
547 equipment may be parked anywhere on residential premises for a period not to
548 exceed twenty-four (24) hours during loading or unloading. Major recreational
549 equipment may be parked in a driveway in the front yard of premises in a
550 residential district for a period not to exceed seventy-two (72) continuous hours
551 during any one (1) period of thirty (30) consecutive days if the person in
552 possession and control thereof is a visitor of the owner or occupant of the
553 residential premises during the entire period of parking, and the equipment is
554 not parked within five (5) feet of a right-of-way line of any public road or street.

555 ~~(4)~~ (3) Boats and boat trailers:

- 556 a. *Exceeding twenty-two (22) feet in length.* No boat exceeding twenty-two (22)
557 feet overall in length, or boat trailer capable of carrying a boat exceeding twenty-
558 two (22) feet overall in length shall be parked or kept on premises in a residential
559 zone except in the rear yard of such premises, or in the side yard of such premises
560 if parked or kept within a garage or other opaque structure enclosed on at least
561 three (3) sides.
- 562 b. *Not exceeding twenty-two (22) in length.* Boats not exceeding twenty-two (22)
563 feet overall in length, and boat trailers designed to carry a boat not exceeding
564 twenty-two (22) feet overall in length, shall not be parked or kept in the front or
565 side yard of premises in a residential zone except under the following conditions
566 and restrictions:
 - 567 1. The boat or boat trailer must be parked on a concrete or paved driveway or
568 surface, and in no event shall any such boat or boat trailer be allowed to
569 encroach on a street or thoroughfare.

- 570 2. The boat or boat trailer shall not be parked on any premises so as to impair
571 or obstruct the visibility or line of sight of the operator of any motor vehicle
572 traveling upon any street or thoroughfare.
- 573 3. All open and interior areas of the boat must be kept covered with an opaque
574 cover of canvas, nylon, plastic or similar sturdy material securely fastened
575 to the boat in such a manner as to effectively prevent ready or easy access
576 into the boat by children under ten (10) years of age, and so as to prevent
577 visibility into the interior of the boat by persons traveling on public
578 property. "Open and interior areas of the boat" shall mean areas of the boat,
579 other than decks and exterior walkways, designed to be occupied by
580 passengers and operators of the boat.
- 581 4. The boat must bear a current and valid state registration number and decal.
- 582 5. The boat trailer must bear a current and valid state license plate.
- 583 6. The boat must be used primarily for recreational purposes.
- 584 7. The boat and boat trailer must be kept and maintained in a reasonably neat
585 and clean appearance so as not to be or become a eyesore detracting from
586 the aesthetic quality of the premises and neighborhood.

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

- 588 (1) Nothing contained in paragraph (b) of this section permitting the parking of one (1)
589 truck-type vehicle, one-and-one-half-ton rated capacity or less on a plot in a residential
590 district shall be considered permission to engage in any type of commercial activities
591 from any location within a residential district unless otherwise permitted by the City's
592 Municipal Code.
- 593 ~~(2)~~ ~~The chief of police of the city, or his duly authorized designee, may issue, upon proper~~
594 ~~application therefor by the owner, or his authorized representative, to the police~~
595 ~~department, a permit extending the parking time limits set forth in paragraph (b) of this~~
596 ~~section up to, but not exceeding twenty-four (24) hours upon establishing that such~~
597 ~~permit is requested in good faith for a reasonable cause shown or demonstrated to the~~
598 ~~chief of police, or his designee, and not for the purpose of avoiding the intent or~~
599 ~~objectives of this section.~~
- 600 ~~(3)~~ (2) This section is primarily for the purpose of protecting the residential property in the
601 city against the lingering presence of commercial vehicle and the protection of property
602 values in such districts. Therefore, any provisions of this chapter or any other ordinance
603 of the city of laws of the State of Florida providing for the regulation of motor vehicles
604 or for purposes of zoning, imposes more stringent requirements, regulations,
605 restrictions or limitations that are imposed or required by the provisions of this section,
606 then the more stringent requirements, regulations, restrictions or limitations shall apply.
- 607 ~~(4)~~ (3) The nonconforming use provisions of the City of Mascotte Zoning Ordinance shall not
608 apply to this section.
- 609 ~~(5)~~ (4) This section shall not be construed as authorizing trucks to utilize any street or other
610 public thoroughfare of the city over which such vehicular traffic is now or hereafter

611 prohibited by the provisions of this chapter or any other ordinance or lawful order of
612 the police department.

613 ~~(6)~~ (5) Any violation of this section shall constitute an offense against the city punishable upon
614 conviction by fine or imprisonment or both, not exceeding the minimum penalty
615 prescribed by city ordinance. In addition to the punishment hereinabove authorized, or
616 as an alternate thereto, the provisions of this section may be enforced through the
617 powers and authority of the city council.

618

619 **SECTION 4. SEVERABILITY.** If any section, sentence, phrase, word, or portion of
620 this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall
621 not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,
622 word or portion of this Ordinance not otherwise determined to be invalid, unlawful or
623 unconstitutional.

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

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

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

632

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

635

636

637

Mike Sykes, Mayor

638 Attest:

639

640 _____
Stephanie Abrams, City Clerk

Affidavit of Publication DAILY COMMERCIAL

Serving Lake and Sumter Counties

located in Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared
Lisa Clay

Lisa Clay

who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake and Sumter Counties, Florida; that the attached copy of advertisement, being a notice in the matter of

Public Hearing

was published in said newspaper in the issues of:

MAY 21, 2021

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake and Sumter Counties, Florida, and that the said newspaper has heretofore been continuously published in said Lake and Sumter Counties, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake and Sumter Counties, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 21 day of May
A.D., 2021.



Cheryl A. Miller
Notary Public

Cheryl A Miller
(Print, Type or Stamp Name of Notary Public)

AD# 10107092

NOTICE OF PUBLIC HEARING CITY OF MASCOTTE

Notice is hereby given that the City of Mascotte, Florida is proposing to adopt an Ordinance as follows:

ORDINANCE NO. 2021-08-616

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MASCOTTE, FLORIDA, AMENDING CHAPTER 13 AND 22 OF ITS CODE OF ORDINANCES, PROVIDING FOR REGULATION OF STOPPING, STANDING AND PARKING WITH RESPECT TO PUBLIC ROADWAYS AND IN THE CITY; AMENDING REGULATIONS REGARDING PARKING WITHIN RESIDENTIAL DISTRICTS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS; AND AN EFFECTIVE DATE.

The public may inspect the proposed Ordinance at the City Clerk's office, 100 East Myers Boulevard, Mascotte, Florida, between 7:00 a.m. to 5:30

p.m. Monday through Thursday.

The Mascotte City Council will hold a public hearing on the proposed Ordinance on Tuesday, June 1, 2021, at 6:30 p.m. or soon thereafter at Council Chambers, Tedder-Thomas Memorial Civic Center, 121 North Sunset Avenue, Mascotte, Florida. The public may view the hearing and participate via Zoom per the instructions on the meeting agenda and City website at <https://www.cityofmascotte.com>. If necessary, this public hearing may be continued to a time and date certain by announcement at this scheduled hearing without any further published notice.

ALL PARTIES ARE INVITED to appear and submit oral or written objections or comments regarding the proposed Ordinance. Persons needing special accommodation to participate in this proceeding should contact Stephanie Abrams, City Clerk, at City Hall at (352) 429-3341 within 48 hours of the scheduled hearing.

Pursuant to section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the City Council with respect to any matter considered at this public meeting, such person will need a record of the proceedings and for such purpose, such person may need to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Ad No: 10102092
May 21, 2021