

ORDINANCE NUMBER 4250

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, SUBSTANTIALLY AMENDING CHAPTER 19, "TRAFFIC AND MOTOR VEHICLES", TO CREATE A NEW TRUCK ROUTE PROCEDURE WHICH AUTHORIZES THE CITY COUNCIL TO ESTABLISH AREAS IN THE CITY WHERE CERTAIN TRUCK TRAFFIC IS PROHIBITED; TO CREATE A NEW CITY-WIDE PARKING ADMINISTRATION SYSTEM AND ENTERPRISE FUND WHICH SYSTEM'S RATES AND FEES SHALL BE SET BY RESOLUTION OF THE CITY COUNCIL; TO ADD NEW AND CLARIFY EXISTING PARKING REGULATIONS THROUGHOUT THE CITY; CREATING NEW MUNICIPAL BEACH AREA PARKING REGULATIONS AND PARKING REGULATIONS FOR CITY PARKING GARAGES; CREATING A NEW PARKING ENFORCEMENT PROCEDURE; CREATING A NEW TOWING, IMPOUNDING, AND IMMOBILIZATION PROCESS; REMOVING PROVISIONS WHICH ARE OUTDATED AND/OR NO LONGER ENFORCED; AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City's Code of Ordinances, at Chapter 19, "Traffic and Motor Vehicles" sets forth the City's general regulations regarding traffic, parking, stopping and standing, and parking meters; and

WHEREAS, the general regulations need to be updated to be consistent with changes in the City's municipal parking systems, state law, and enforcement, and to remove the civil penalties out of the city code so that the penalties may be adjusted as necessary by resolution of the city council; and

WHEREAS, the City Council for the City of Riviera Beach has reviewed the recommended revisions to Chapter 19, "Traffic and Motor Vehicles", and has determined that it is

in the best interest of the public health, safety, and general welfare of the City to amend Chapter 19 as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are incorporated by reference into this Ordinance as true and correct statements of the City Council of the City of Riviera Beach.

SECTION 2. Chapter 19, entitled "Traffic and Motor Vehicles", is hereby amended as follows (underlined language is added and strike-through language is deleted):

ARTICLE I. IN GENERAL

Sec. 19-1. Definitions.

The words, terms and phrases used in this chapter shall have the meanings ascribed to them in F.S. § 316.003, except where a different definition may be provided or the context clearly indicates a different meaning.

Sec. 19-2. Powers and duties of chief of police and police department to regulate traffic.

- (a) The chief of police, with the consent of the city manager, except as otherwise directed by this chapter and except as otherwise directed by the city council and city manager, and as approved by the engineering department, shall have power and the chief of police is hereby authorized to regulate the operation and parking of vehicles within the city by requesting the erection or placing of signs, signals, markers, markings and other authorized traffic control devices in the following specified instances with respect to streets and highways under the city's jurisdiction:
- (1) Designation of areas where parking is prohibited or limited.
 - (2) Designation of one-way streets, through streets, stop streets, "U" turns, play streets, school zones, hospital zones, quiet zones, hazardous traffic areas, crosswalks, and safety zones. Truck routes may be established as set forth in Division 4 of this Article.
 - (3) Installation and proper timing and maintenance of traffic control devices.
 - (4) Marking off of traffic lanes indicating the flow of traffic.
 - (5) Closing of streets to vehicular or pedestrian traffic for temporary periods of time.
 - (6) Regulation of traffic during emergencies, notwithstanding other regulations.
 - (7) Designation of reserved and/or limited-hours loading zones, which may be accomplished through signage, markings, and other authorized traffic control devices and through digital and/or electronic applications for reserving such zones.
- (b) The police department, under direction of the city manager, shall have full power and be charged with all duties in relation to the management of vehicular traffic.
- (c) At the recommendation of the chief of police, the city manager may adopt a policy and procedures manual (PPM) to establish standard operating policies and procedures for the

implementation, operation, and enforcement of this chapter. The PPM may include, but shall not be limited to, policies and procedures governing vehicle operations and parking, the city's parking system, and a city parking garage(s), which are consistent with and/or supplementary to this chapter and other applicable laws, codes and regulations. After adoption by the city manager, the PPM may be amended from time to time based upon recommendations by the chief of police and approval by the city manager. The PPM shall have the same force and effect as a city ordinance for purposes of enforcement.

Sec. 19-3. Obedience to police officers.

Drivers must at all times comply with any direction by voice or hand of any member of the police force as to stopping, starting, approaching or departing from any place, the manner of taking up or setting down passengers or loading or unloading goods in any place. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer.

Sec. 19-4. Hitchhiking; selling merchandise in streets.

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle ~~or for the purpose of selling any merchandise or agricultural products.~~

Sec. 19-5. Combat auto theft program.

- ~~(a) The Florida Uniform Traffic Control Law authorizes counties and municipalities to enact ordinances to establish "Combat Auto Theft" (CAT) programs, whereby vehicle owners may enroll their vehicles, giving advance written consent to law enforcement officers to stop their enrolled vehicles if they are being operated between the hours of 1:00 a.m. and 5:00 a.m., provided the CAT decal is properly displayed in the lower left corner of the vehicle's rear window.~~
- ~~(b) A "Combat Auto Theft (CAT)" program, as authorized under the Florida Uniform Traffic Control Law, is hereby established in the city. The program shall include:
 - ~~(1) Consent forms to be executed by motor vehicle owners who enroll vehicles in the program.~~
 - ~~(2) CAT program decals which conform to the specifications, colors and design of the uniform CAT decal established by the department of law enforcement for use throughout the state.~~
 - ~~(3) All other provisions of the "Combat Auto Theft" program as provided for in the Florida Uniform Traffic Control Law. Administration of the program shall be conducted by the chief of police.~~~~
- ~~(c) In order to provide for the cost of administering the program, a fee of \$2.00 for each decal is hereby established. The city clerk shall collect the decal fees and remit them to the city.~~

ARTICLE II. OPERATION OF VEHICLES

DIVISION 1. GENERALLY

Sec. 19-21. U-turns.

~~The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in the business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.~~

Sec. 19-22. Play streets.

~~Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area and then any such driver shall exercise the greatest care in driving upon the street or portion thereof.~~

Sec. 19-213. Driving through corner properties prohibited.

- (a) When a filling station or other property provides for its use as a driveway or other similar facility which is located on a corner in the city, it shall be unlawful for the driver of any vehicle to use such driveway or similar facility for the purpose of making any type of turn at such corner.
- (b) It shall be unlawful for any driver of any vehicle to cut through such driveway or other similar facility as described in subsection (a) of this section to gain access to another street or alley.
- (c) It shall be unlawful for any driver of any vehicle to cut through such driveway or other similar facility as described in subsection (a) of this section to avoid a traffic light or traffic control sign at such corner.

Sec. 19-224. Vehicles emitting smoke.

It shall be unlawful for any motor vehicle to be operated upon the streets or avenues of the city which creates an unusual or exorbitant amount of smoke.

Sec. 19-235. One-way streets.

Vehicular traffic on one-way streets shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

Sec. 19-247. Quiet zone.

Whenever authorized signs are erected indicating a zone for quiet, no person operating a vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

DIVISION 2. BATHING BEACH AREAS

Sec. 19-36. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized emergency vehicle means vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of city departments, or private ambulance companies, or such others as may be authorized by city authority.

Bathing beach or *beach area* means that area which is on the ocean front, and which is subject to high or low tides, and also that area lying adjacent thereto and westerly thereof commonly referred to as sand dunes and soft sand. It shall also include the area as above described which lies within the north and south boundary lines of the city limits and extended eastward to the low water mark of the Atlantic Ocean, and extended westward to the east boundary line of the coastal construction setback line. Such area is designated restricted area, excepting therefrom the municipal beach parking area.

Driver means every person who drives or is in actual physical control of a vehicle.

Licensed person means persons holding special permits to carry on business in such areas.

Motor driven cycle means every motorcycle, including every motor scooter, with a motor and every bicycle with a motor attached.

Motor vehicle or vehicle means all vehicles propelled by power, other than muscular power, trailers, semi-trailers, coaches or other similar devices, or vehicles.

Owner means any person, association of persons, firms or corporations in whose name the title to a motor vehicle is registered.

Pedestrian means any person on foot.

Police officer means every officer of the city police department or any such person authorized to direct or regulate traffic or to make arrests.

Possession includes and means the person in charge of, the caretaker of or sitting in such vehicle.

Sec. 19-37. Vehicular traffic prohibited in restricted area; exception.

It shall be unlawful for any person to drive any motor driven cycle or motor vehicle on the beach area or bathing beach and herein defined as the restricted area at any time, except that authorized emergency vehicles are permitted thereon while attending to their duties.

Sec. 19-38. Operators of vehicles prohibited in restricted area.

Neither the owner nor any person employing or otherwise directing the driver of any motor vehicle shall require or knowingly permit the operation of such vehicle upon or in such restricted area.

Sec. 19-39. Seizure and impounding of vehicles—~~Redemption; payment of fines, costs.~~

It shall be unlawful for any motor vehicle to be in or on such restricted area at any time and shall be subject to seizure if found thereon and shall be impounded by the city pursuant to this chapter. ~~The owner may redeem the motor vehicle by paying any fine, if any, imposed upon the person in possession of the motor vehicle, when so seized, plus the costs incurred in such impounding. The costs shall include transportation, storage and care thereof and the recording of such seizure. Such costs shall be set by resolution of the city council not exceed \$75.00. The fine is not included in such costs.~~

Sec. 19-~~29~~40. Same—Notice to owner.

~~Whenever a vehicle is impounded, as authorized by section 19-39, notice of such action shall be sent to the owner that the vehicle has been so impounded and the reasons why it was impounded.~~

Sec. 19-~~30~~41. Same—Removal of vehicle by police.

~~Members of the police department and all members of the city council are hereby authorized to remove any vehicle from the restricted area to a place of safety and there to be kept until the case is satisfactorily disposed of and all costs and fines connected therewith are paid.~~

Sec. 19-~~31~~42. Exemptions.

- ~~(a) The provisions of this division shall not apply to licensed persons who have been conducting a business and driving on the beach carrying on such business as of August 28, 1963, provided they abide by and comply with this section of this division and:~~
- ~~(1) They first obtain from the city manager a special permit authorizing such activity.~~
 - ~~(2) That in the carrying on of such business, while moving on the beach, they do not drive more than 15 miles per hour, and provided further they drive as close to the edge of the water as the tides permit. It is intended by this subsection that driving on the soft sand is prohibited except in crossing back and forth to go onto or to come off the beach area.~~
- ~~(b) It shall be unlawful for any person now carrying on such business to continue to carry on such business, after the expiration date above stated without first obtaining a special license.~~

Sec. 19-~~40~~43. Violation of provisions—Guilty party defined.

Every person who commits, attempts to commit, conspires to commit or aids or abets in the committing of any act declared herein to be a violation of this division, whether individually or in connection with one or more other persons, or as principal, agent or accessory, shall be guilty of such offense, and every person who, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provisions of this division is likewise guilty of such offense.

Sec. 19-~~41~~44. Same—Prima facie evidence of vehicle ownership within restricted area; penalty.

Any person in possession of a motor vehicle within the restricted area shall be deemed to have driven such vehicle into or onto such restricted area and shall be subject to arrest for the violation hereof.

Sec. 19-4245. Same—Penalty.

It shall be unlawful for any person to drive a motor vehicle except emergency vehicles within or on the restricted area at any time. Any person found violating the terms of this division shall be subject to arrest and, if found guilty, may be fined not more than \$500.00 or imprisoned for a term not exceeding 60 days. Any fine imposed under this provision shall be paid in addition to any immobilization and/or impoundment charges.

DIVISION 3. RAILROAD CROSSINGS

Sec. 19-47. Automatic electric signal devices and crossing gates.

- (a) All railroad companies operating within the city shall build, construct, maintain, and keep in good condition all railroad crossings pursuant to F.S. chapters 357 and 338, and all rules and regulations of the department of transportation adopted thereto and by agreements with the city.
- (b) At each street crossing where the streets of the city intersect at grade level, railroad tracks which are not main or passing tracks, such railroad companies shall either install automatic electric signal devices of the type herein specified or use a flagman to give warning to the approach of every train to such crossing.

Sec. 19-48. Speed of trains.

- (a) *CSX system.* Except for authorized high-speed trains, it shall be unlawful to operate within the city any locomotive, train, track motor car or other vehicle self-propelled or otherwise traveling along and upon the CSX system railroad tracks at a speed in excess of:

Rate of Speed	Area
45 miles per hour	Between Silver Beach Road and Port Road

- (b) *Florida east coast.* Except for authorized high-speed trains, it shall be unlawful to operate within the city any locomotive, train, track motor car or other vehicle self-propelled or otherwise traveling along and upon the Florida east coast railroad tracks at a speed in excess of 45 miles per hour.

Sec. 19-49. Track motor cars, handcars, etc., to stop at railroad crossings.

Every track motor car, handcar or other vehicle so constructed as to be incapable of activating automatic safety gates and automatic crossing signal devices operating upon railroad tracks shall stop at every railroad crossing within the city where a city street intersects a railroad track at grade level and shall yield the right-of-way to traffic traveling along such intersecting street and shall not proceed across such intersection until the movement can be made with reasonable safety.

Sec. 19-50. Blocking of railroad crossings.

- (a) The following crossings where the streets of the city intersect a railroad track at grade level are hereby designated as "emergency crossings" and are to remain unblocked by railroad traffic at all times except by moving trains.
 - (1) Such streets which intersect the Florida east coast railroad tracks are as follows:

Blue Heron Boulevard

Silver Beach Road

13th Street

Port Road

Australian Avenue (north of 13th Street or Avenue M)

State Road 5 at the Port of Palm Beach

State Road at the Port of Palm Beach

State Road 710 east of Avenue S

- (2) Such streets which intersect the Seaboard Coast Line Railroad Company tracks are as follows:

Military Trail at State Road 710

- (b) No public street or vehicular crossing in the city shall be blocked, closed, or obstructed by a train, locomotive or other railroad vehicle for a period of more than ten minutes except in emergencies and except for the following times as specifically stated:

- (1) No railroad locomotive, railroad car, train or other railroad vehicle shall block, obstruct or close any public street or vehicular crossing in the city for longer than five minutes, between the hours of:

5:45 a.m. to 8:30 a.m.; 2:20 p.m. to 4:30 p.m.; and 5:00 p.m. to 6:00 p.m.

Monday through Friday, except as set forth in paragraph (2) herein below.

- (2) The Port Road crossing at Port Road and the Old Dixie Highway crossing, because of its location immediately adjacent to the Port of Palm Beach and its railroad switching operations necessary to carry out its shipping operations, are exempted from the provisions of subsections (a) and (b) for blocking a crossing for a reasonable time for necessary switching operations during 7:00 p.m. and 7:00 a.m.; for periods of up to ten minutes each between the hours of 8:30 a.m. to 1:00 p.m.; for reasonable periods of time; and for periods of up to ten minutes each between the hours of 4:00 p.m. and 6:00 p.m. At no time will switching operations close the Blue Heron crossing or interfere with traffic flow at the Blue Heron crossing.

Sec. 19-51. Railroad crossings to be cleared for emergency vehicles.

Railroad trains or equipment shall be separated, cut or moved to clear the railroad track crossing any public road or street within the city upon the approach of an emergency vehicle upon notification or by the sounding of sirens, flashing of lights, waving of flags or any other warning sufficient to attract attention to such emergency vehicle defined as follows:

- (1) An ambulance responding to an emergency call or transporting a person under emergency conditions;
- (2) A fire engine or other emergency vehicle engaged in the saving of life, property or responding to any other public peril;

- (3) Any other emergency vehicle or any other vehicle when operated as an emergency vehicle defined as a vehicle which is engaged in the saving of life, property or responding to a public peril.

Sec. 19-52. Railroad personnel or Port of Palm Beach personnel liable for violations of this division.

The personnel of any railroad company operating or in charge of the operation of any train, railroad car or railroad equipment in violation of this division except in cases of emergency, shall be liable when it is due to the sole fault of such personnel and at all other times the railroad or Port of Palm Beach shall be responsible.

Sec. 19-53. Liability of railroad company or Port of Palm Beach for violation of this division by its agents and employees.

The railroad company of Port of Palm Beach shall be responsible for the acts of its agents or employees for the violation of this division unless such agent's employees are acting beyond the scope of their authority.

Sec. 19-54. Sounding train horns and whistles at signalized railroad crossings prohibited; city to erect warning signs for motorists.

It shall be unlawful for a railroad train, approaching a public at-grade crossing having train-activated automatic traffic-control devices, including flashing lights, bells and crossing gates, to emit an audible warning signal in advance of said intersection between the hours of 10:00 p.m. and 6:00 a.m. This prohibition shall not apply to any such intersection where the city has failed to erect traffic signs in accordance with state law announcing to motorists that railroad train horns and whistles will not be sounded during the said hours.

DIVISION 4. TRUCK ROUTES

Sec. 19-55. Definitions.

As used in this division, the following terms shall have the following meanings:

Truck shall mean any vehicle designed or operated for the transportation of property, which either:

- (1) Is over 80 inches in width; or
- (2) Has 6 tires or more; or
- (3) Has a weight capacity of 10,000 pounds or more (net weight plus carrying capacity) as specified by the vehicle's manufacturer.

Truck carrying hazardous materials means every vehicle that has a cargo regulated by Title 49, Code of Federal Regulations, Part 172, as it may be periodically amended which includes but is not limited to flammable or radioactive material or poisonous gas, which in its transportable state would be injurious to humans, animals or plants.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, street or pathway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Truck route shall mean a public street or road, as designated in this division, over and along which trucks shall operate.

Sec. 19-56. Map to be established.

The city council at the recommendation of the city manager is hereby authorized to establish by resolution a regulated truck route map for the city or portions of the city. The Regulated Truck Route map shall indicate the streets and roadways to be used as primary and/or secondary truck routes and no other streets or roadways shall be used for truck traffic within the corporate limits of the city except as otherwise provided in this division. The Regulated Truck Route map shall at all times be on file with the office of the city clerk.

Sec. 19-57. Observance required; exceptions.

- (a) All trucks within the city shall be operated only over and along the truck routes established pursuant to this division, except as otherwise provided in this division.
- (b) Hazardous material. Every truck carrying hazardous material is prohibited from using any local city street or any street designated as a secondary truck route, unless necessary to the conduct of business, construction or maintenance operations at a destination point along that roadway segment.
- (c) This division shall not prohibit:
 - (1) Operation on street of destination. The operation of trucks upon any street where necessary to the conduct of business at a destination point, if streets on which truck traffic is permitted are used until reaching the intersection nearest the destination point. Upon leaving the destination point a deviating truck shall return to the truck route by the shortest permissible route.
 - (2) Authorized emergency vehicles. The operation of authorized emergency vehicles upon any street in the city.
 - (3) City, public vehicles. The operation of trucks owned or operated by the city, public utilities, waste-hauler engaged by the city or otherwise authorized by law, any contractor or materialman while engaged in the repair, maintenance, or construction of streets, street improvements or street utilities within the city, except as may be restricted in a development order or building permit.
 - (4) Detoured trucks. The operation of a truck upon any officially established detour in any case where the truck could lawfully be operated upon the street for which the detour is established.

Sec. 19-58. Hours of operation.

Trucks shall be able to travel upon truck routes at all hours of the day and night unless duly authorized signs are installed limiting hours of use on a particular street or portion of a street.

Sec. 19-59. Police chief authorized to install signs.

In accordance with the provisions of this division, the chief of police is authorized to have appropriate signage installed in the city to control truck operations once the city council approves a Regulated Truck Route(s) map by resolution. Such signage shall be enforceable as official traffic control devices pursuant to Chapter 316, Florida Statutes, as amended.

Sec. 19-60. Violations; penalty.

- (a) It shall be unlawful to operate a truck on any street within the city other than as is provided in this division. Any person driving or in charge or control of any regulated truck deviating from the designated truck route system or in violation of the posted signage shall be prepared to present for the inspection of police officers the truck's logbook, weight slips, delivery slips, or other written evidence of the regulated truck's origin and destination to justify the deviation from the designated truck route system.
- (b) A violation of this division shall constitute an irreversible and irreparable violation and will result in the immediate issuance of a notice of violation in accordance with the provisions of Chapter 2, Article VI, Division 2, code compliance of this code, and/or a noncriminal violation and subject by a fine pursuant to Chapter 318.18, Florida Statutes, as amended, and all other local and state laws, ordinances, and regulations.
- (c) If this division is enforced through Chapter 2, Article VI, Division 2, code compliance of this code, the city council may establish a designated account for the deposit of all recovered penalties and charges, which account may be used to fund signage and physical road improvements including, but not limited to, pedestrian and bicycle safety.

Sec. 19-61. Vehicles not to damage hard-surface or paved roads.

It is unlawful to operate on any hard-surfaced or paved roads in the city, any bulldozer, concrete mix truck, tractor, or other heavy equipment vehicle, unless equipped with pneumatic rubber tires; and steel-tired vehicle, or any other vehicle or machine that is likely to damage a hard-surfaced or paved road except ordinary wear and tear on the road.

ARTICLE III. STOPPING, STANDING AND PARKING

DIVISION 1. PARKING ADMINISTRATION

Sec. 19-62. – Administration generally.

- (a) The city's parking system shall be a self-supporting parking enterprise fund. Parking system revenues shall be used for the operation and maintenance of the city's parking system and mobility systems, including but not limited to the operation of the parking division and its services; the acquisition or leasing of parking equipment or systems; the acquisition, construction, improvement, maintenance and operation of public parking facilities, and mobility systems, as the city council and/or the city manager shall, from time to time, direct.
- (b) There is hereby established a mobility benefit account as a subsidiary fund of the parking enterprise fund. The mobility benefit account may be funded with parking system revenues in excess of those funds needed for the regular operation, repair, maintenance, and upgrade

of the city's parking system. The mobility benefit account may be used to fund capital purchases and operating expenses for the city's mobility systems, including supporting improvements such as trolley/bus stops, park and ride facilities, wayfinding for parking and mobility systems, marketing for parking and mobility systems, software or applications supporting city parking or mobility systems, staffing that supports mobility systems, and other parking and mobility associated improvements that either decrease the need for parking or increase parking capacity as approved by the city manager.

- (c) The city may, from time to time, issue parking revenue bonds whose collateral and payments for debt service may be from the parking enterprise fund. The bond proceeds may be used to acquire or lease parking equipment or systems; acquire or lease property, design and construct parking facilities; design and reconstruct public roads to add on-street parking and biking lanes; or, acquire or lease public transportation capital assets, including mobility system assets.
- (d) Administration of parking in the city is delegated by the chief of police and city manager to the parking administrator. The parking administrator shall have such duties and responsibilities as set forth in this division or as may otherwise be directed by the chief of police and/or the city manager. In the absence of the parking administrator, his or her designee may act. The parking administrator may be an employee of the city or an independent contractor.

Sec. 19-63. - Rates and fees.

- (a) Parking rates for the city's parking system shall be set by resolution of the city council. Enforcement of the rates may be by any legal method available to the city including without limitation sending delinquent amounts to collections.
- (b) Depending on demand, the parking administrator, with the approval of the city manager, may temporarily increase or decrease rates for selected city parking garages and metered spaces by no more than 25 percent, for a period not to exceed 30 days.
- (c) During city-sponsored special events, the parking administrator may temporarily increase or decrease rates for selected city parking locations.
- (d) Permit fees and other mobility and parking system fees shall be set by resolution of the city council.

Sec. 19-64. - Purpose and authority.

This article shall be deemed and construed to be an exercise of the police power of the city for the preservation and protection of public safety, and all of its provisions shall be liberally construed with a view to the effectuation of this purpose.

Sec. 19-65. - Application.

The provisions of this article prohibiting the stopping, standing, or parking of a vehicle shall apply city-wide (unless otherwise clearly stated), at all times or at those times herein stated or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

Sec. 19-66. - Nonmoving violations deemed ordinance violations.

- (a) Any and all traffic violations as described in the “Florida Uniform Traffic Control Law” (Chapter 316, Florida Statutes) which shall be classified as nonmoving in nature, or are so declared by either legislative or judicial determination, shall be deemed municipal parking ordinance violations in violation of this article. To this end, all such traffic violations are incorporated herein and prohibited hereby.
- (b) This section shall not be deemed to limit or in any way affect prosecutions under state law.

Sec. 19-67. - Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Inoperable vehicle is any vehicle which has any of its wheels or tires dismantled or deflated, is missing any part or valid registration and/or license plate required by law for travel on public streets, or is in such condition as to render it incapable of normal operation under its own power, including being supported above existing grade level by such means as concrete blocks, jacks, hoists, or similar devices. Included in this definition is any partially wrecked, inoperative, or dismantled vehicle.

Limited access facility. A street or highway specifically designed for through traffic.

Loading zone. Unless otherwise specifically stated, a loading zone shall include the following:

- (1) *Curb loading zone.* A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
- (2) *Freight loading zone.* A space adjacent to a curb or other area reserved for the exclusive use of vehicles during the loading or unloading of freight.
- (3) *Passenger loading zone.* A space adjacent to a curb or other area reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Municipal parking violation. A noncriminal, non-moving violation which is not punishable by incarceration and for which there is no right to a trial by jury or a right to court-appointed counsel.

Municipal parking citation or parking citation. A citation issued by a parking enforcement officer for a municipal parking violation.

Operator. Any person who is in actual control of a motor vehicle upon a street, highway, or other roadway, or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner. A person who holds the legal title of a vehicle, or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee, or mortgagor shall be deemed the owner for the purposes of this article.

Park or parking. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this article.

Parking enforcement officer. A law enforcement officer or other person designated by the city to enforce this division.

Private road or driveway. Any privately-owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Sidewalk. That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.

Stand or standing. The halting of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by law under this article.

Stop or stopping. When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a Law Enforcement Officer or traffic-control sign or signal.

Street or highway. The entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic and includes, but is not limited to, developed and undeveloped public rights-of-way.

Taxi stand or taxicab stand. A fixed area in the roadway parallel and adjacent to the curb set aside for taxicabs to stand or wait for passengers or for other ride-share vehicles to stand or wait for passengers.

Vehicle or motor vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices used exclusively upon stationary rails or tracks.

DIVISION 12. – PARKING REGULATIONS GENERALLY

Sec. 19-6856. - Marked spaces.

- (a) Yellow paint or markings on any street or curbing shall mean parking is prohibited in that area so marked. Areas marked with yellow paint and designated as a loading zone shall be permitted to be used for that purpose or for whatever purpose so designated.
- (b) The existence of such signs, signals, markers or markings at any place within the city shall be prima facie evidence that such signs or markers were erected or placed by and at the direction of the chief of police and city manager and in accordance with the provisions of this article.
- (c) Any person failing or refusing to comply with the directions indicated or any sign or marker erected or placed in accordance with the provisions of this chapter shall be deemed in violation. ~~section when so placed or erected shall be guilty of a misdemeanor and punished as provided in section 1-11 of this Code.~~

Sec. 19-~~69~~57. - Standing or parking close to curb.

- (a) No person shall stand or park a vehicle in a street, highway or roadway other than parallel with the edge of the roadway headed in the direction of the traffic, and with the curbside wheels of the vehicle within 12 inches of the edge of the roadway, except as provided in the following:
 - (1) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or sign.
 - (2) In places where and at hours when stopping for the loading or unloading of merchandise or material is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads.
- (b) It shall be unlawful for any person to park, stop or station any ~~automobile, truck or any other~~ vehicle of any description whatsoever upon any public street or alley in the city in front of, or so as to interfere with, any driveway or entrance from the street upon private property, or to place any material of any description in such a manner as to obstruct such driveway.

Sec. 19-~~58~~70. Unlawful parking.

No person shall stand or park a vehicle upon any street or roadway for the principal purpose of advertising any place of business or service, of displaying the vehicle for sale, of washing, greasing, or repairing the vehicle, except repairs necessary for meeting an emergency, or of selling merchandise from the vehicle, except at a duly established, marked place or when so authorized or licensed under the code or other ordinances of the city.

~~No person shall stand or park a vehicle upon any roadway for the principal purpose of:~~

- ~~(1) Displaying it for sale; or~~
- ~~(2) Washing, greasing or repairing the vehicle, except repairs necessitated by an emergency.~~

Sec. 19-~~59~~71. Restrictions on vehicles in excess of three-quarters one (1) ton.

It shall be unlawful for any person to park, store, stop, or station any ~~truck, bus or commercial~~ vehicle in excess of three-quarters one (1) ton maximum gross weight and/or load capacity in any public right-of-way ~~or within the front yard lines, other than a driveway in any residential zoning district within the city.~~

Sec. 19-60. Handicapped parking.

- ~~(a) It is prohibited for any person to park a vehicle in a properly designated handicapped parking space in violation of the provisions of F.S. § 316.1955 or F.S. § 316.1956. It shall be prima facie evidence that the vehicle was parked and left in the space by the person in whose name the vehicle is registered and licensed according to the records of the division of motor vehicles. Persons violating any provisions of this section shall be guilty of an infraction, for which the fine shall be \$250.00.~~
- ~~(b) In accordance with F.S. § 316.008(4)(a)(b), one third of the fines collected shall be used to defray expenses for the administration of this section and the provisions of the Florida Statutes regarding disabled parking violations. Two thirds of the fines collected shall be used to provide funds to improve accessibility and equal opportunity to qualified physically disabled~~

~~persons in the city and to provide funds to conduct public awareness programs in the city concerning physically disabled persons.~~

~~Sec. 19-61. Parking on right side of street.~~

~~All motor vehicles parking on any street or highway within the city shall be parked on the driver's right hand side of the street.~~

~~Sec. 19-62. Parking prohibited on west side of beach street.~~

~~The parking of motor vehicles is prohibited on the west side of the street extending from the north boundary of the municipal beach property southerly to the south boundary of the municipal beach property, the street being the most easterly street on the municipal beach property within the city.~~

~~Sec. 19-63. Parking on state highway number five.~~

~~(a) Parking of motor vehicles shall be limited to the period of one hour on state highway number five between Blue Heron Boulevard and 23rd Street and between the hours of 9:00 a.m. and 6:00 p.m. Parking of motor vehicles shall be limited to the period of one hour on state highway number five in the block between 11th and 12th Streets within the city.~~

~~(b) All vehicles parking on state highway number five within the city shall be parked parallel to the sidewalk.~~

~~© The parking of trucks is prohibited on the east side of state highway number five beginning at the southern limits of the city and extending a distance of 181 feet to the north, and on the west side of state highway number five beginning at the southern limits of the city and extending a distance of 211 feet to the north.~~

~~Sec. 19-64. Stopping or parking near hazardous or congested places.~~

~~When signs are erected upon approach to hazardous or congested places, no person shall stop, stand or park a vehicle in any such designated place.~~

~~Sec. 19-65. Parking adjacent to schools.~~

~~When signs are erected indicating no parking upon that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place.~~

~~Sec. 19-6672. Standing for loading only.~~

~~(a) Except as specifically authorized herein, nNo person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger loading zone during the hours when the regulations applicable to such passenger loading zone are effective, and then only for a period not to exceed three (3) minutes.~~

~~(b) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a curb loading zone during hours when the provisions applicable to curb loading zones are~~

in effect. In no case shall the stop for loading and unloading of materials exceed 230 minutes or such other time as may be specifically posted.

~~Sec. 19-67. Allowance for free movement for vehicular traffic.~~

- ~~(a) No person shall stop, stand or park any vehicle upon a street, other than an alley in such manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals or a police officer.~~
- ~~(b) No person shall park a vehicle within an alley for over 15 minutes unless there is left available not less than eight feet of the width of the roadway for the free movement of vehicular traffic.~~

Sec. 19-6873. Bus, and taxicab, and ride share stands.

- (a) The driver of a bus, ride share or taxicab shall not stand or park upon any street in the city ~~any business district~~ at any place other than at a designated bus stop, ride share, or taxicab stand, respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.
- (b) No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab or other ride share vehicle in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

Sec. 19-6974. Moving cars from parked positions.

Cars parked shall move out in the direction headed, or if they are parked at an angle with the curb they shall back out on that angle until they have cleared the other cars and shall proceed in the direction they are most nearly headed. No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

Sec. 19-7075. Maximum parking time.

No person who owns or has possession, custody or control of any vehicle shall park such vehicle on any street or highway ~~alley~~ of this city for more than a consecutive period of 60 hours.

Sec. 19-7176. Backing to curb.

In no case shall any vehicle remain backed up to the curb, except when actually loading or unloading.

Sec. 19-77. - Improper and prohibited parking.

It shall be unlawful for any person to stand or park a motor vehicle in the manner hereinafter described, except when necessary to avoid conflict with other traffic or when so directed by a police officer:

- (a) On the roadway side of another vehicle stopped at the edge of a street (double parking);
- (b) On a sidewalk (in whole or in part);
- (c) In or within twenty (20) feet of a street intersection;
- (d) Outside a designated parking space, or in two (2) or more spaces;
- (e) Parallel parking with the wheels more than twelve (12) inches from curb or street edge;
- (f) Facing against closest traffic flow;
- (g) In an angle space with back of vehicle to the curb;
- (h) Where signs, street or curb markings prohibit;
- (i) On a bicycle path;
- (j) Parking more than two (2) motorcycles, scooters or mopeds in a designated space;
- (k) On any railroad tracks;
- (l) Within a fire lane which has been designated as such by appropriate pavement markings, sign(s) or other traffic control devices;
- (m) On the highway or shoulder of a limited access facility except as provided by regulation of the State Department of Transportation or on the paved portion of a connecting ramp; however, a vehicle which is disabled or in a condition improper to be driven as a result of mechanical failure or accident may be parked on such a shoulder for a period not to exceed six (6) hours. This provision is not applicable to a person stopping a vehicle to render aid to an injured person or assistance to a disabled vehicle in obedience to the directions of a police officer or to a person stopping a vehicle in compliance with applicable traffic laws.
- (n) No person shall park any vehicle upon a street in a manner or under conditions as to leave available less than twelve (12) feet of width of the roadway for free movement of vehicular traffic. Where streets are not completely paved or curbs provided, the parking of a car shall be in a manner as not to obstruct the free movement of traffic or block a driveway or private road (in whole or in part).

Sec. 19-78. – Prohibited stopping, standing and parking.

- (a) No person shall stop, stand or park a vehicle for the purpose of loading or unloading a passenger on the paved roadway or shoulder of a limited access facility or on the paved portion of any connecting ramp. This provision is not applicable to a person stopping a vehicle to render aid to an injured person or assistance to a disabled vehicle.
- (b) No person shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - (1) In front of a public or private driveway.
 - (2) Within fifteen (15) feet of a fire hydrant.
 - (3) Within twenty (20) feet of a crosswalk at an intersection.
 - (4) Within thirty (30) feet upon the approach to any flashing signal, stop sign, or traffic-control signal located at the side of a roadway.

- (5) Within thirty (30) feet of the driveway entrance to any fire station.
 - (6) On an exclusive bicycle lane.
 - (7) At any place where official traffic-control devices prohibit standing.
- (c) No person shall park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading freight, material, merchandise or passengers:
- (1) Within fifty (50) feet of the nearest rail of a railroad crossing unless the State Department of Transportation establishes a different distance due to unusual circumstances.
 - (2) At any place where official signs prohibit parking.
- (d) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.

Sec. 19-79. - Parking and storage in all residential land zoning districts; certain parking prohibited.

- (a) All vehicles permitted to be parked or stored on any residential premises, as provided in this section, must be primarily operated by a resident of the premises or a guest, or business invitee of the said resident.
- (b) All vehicles permitted to be parked in any residential zoning districts shall comply with this code and the supplemental regulations as set forth in chapter 31 of this code, as amended from time to time. Further, the following vehicles shall not be parked overnight in any residential land use district:
- (1) More than one taxi, car service vehicle, or limousine, but not including stretch limousines on a single-family residential lot;
 - (2) Stretch limousines;
 - (3) Boom or bucket trucks;
 - (4) Swamp buggies and half-tracks;
 - (5) Any vehicle that exceeds the roof height of the principal building on the property or fourteen (14) feet, whichever is less.

Sec. 19-80. - Parking and storage in all non-residential land zoning districts.

All vehicles permitted to be parked or stored in any non-residential zoning districts shall comply with this code and the supplemental regulations as set forth in chapter 31 of this code, as amended from time to time.

Sec. 19-81 - Hazardous parking.

It shall be unlawful for any person to stand or park a vehicle in the manner hereinafter described, except when necessary to avoid conflict with other traffic or when so directed by a police officer:

- (a) On railroad tracks, or within fifty (50) feet of a railroad crossing (unless otherwise designated by appropriate markings);
- (b) Within twenty (20) feet of a driveway for a fire station;
- (c) On a bridge, underpass or overpass; or,
- (d) In a lane or way for moving traffic so as to obstruct traffic.

Sec. 19-82. - Paid or free-for-limited-time parking.

- (a) The city council may establish and provide parking spaces and facilities open to the public on a pay-for-time or a free-for-limited-time basis. Parking spaces so limited may be regulated by time zones with the maximum time limits for free parking stated on posted signs, or by parking meters, pay stations or other electronic parking monitoring technology that regulate the individual spaces. The signage shall clearly set forth the time limitations and/or rates to advise the public accordingly.
- (b) Signage shall indicate by appropriate means when the parking space is expired or what time is remaining at a space.
- (c) It shall be unlawful to park in a time zone for a duration of time longer than the maximum time established or posted. Where applicable, it shall be unlawful for any person to park in a metered parking space, or at a numbered space regulated by a pay station when the meter or pay station regulating such space shall indicate that parking in such space is an overtime violation.
- (d) It shall be unlawful to alter or duplicate, damage or destroy a parking pay station receipt, permit, tag, placard or decal used for parking control issued by the city or to make any attempt thereof to defraud the city.
- (e) It shall be unlawful to stop, stand or park in city owned or operated parking lots, or other city properties that are reserved for hourly, daily, or monthly parking without properly displaying appropriate documentation of payment for parking privileges for the current period, where applicable.

Sec. 19-83. - Public parking on private land.

- (a) The city and/or its community redevelopment agency may lease land from a private owner for the purpose of providing public parking, and all regulations in this chapter regarding parking in city garages, lots, and facilities stated in this chapter shall apply equally to such leased lots.
- (b) Special events.
 - (1) No person shall provide special event parking on private land, either unimproved or improved, not normally used for parking purposes, without obtaining a permit for special event parking on private land.
 - (2) Application for a permit for special event parking on private land may be obtained from the parking division and shall not exceed 30 days.
 - (3) Permit fees for special event parking on private land shall be established by resolution of the city council.

- (4) Owners and operators of private land used for event parking shall not utilize immobilization devices as a means of enforcement unless a special event permit has been issued by the city and the property displays prominently a sign that indicates to a parking customer: (1) the daily parking rate; (2) that immobilization may be utilized to enforce payment; (3) the telephone number to whom a vehicle user may call for removal of the boot; and (4) the cost of the immobilization device removal.

Sec. 19-84. - Hours for parks and public property.

- (a) It shall be unlawful for any person to enter and go upon any park or public property grounds in the city during times when said grounds are not opened for public use. The park and public property grounds to be closed and the hours of closing shall be established by resolution of the city council subject to amendment from time to time in the discretion of the city council.
- (b) Entry onto park or public property grounds during hours at which such park or public property is closed shall be deemed a trespass in violation of this article and punishable under the provisions of section 1-11 of this Code.
- (c) Park and public property hours shall be adequately posted on the park and public property grounds. It shall not be a defense to a prosecution under this section that the person charged had no actual knowledge of the park or public property hours.

Sec. 19-85. - Observance of more restrictive requirements.

Any provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Sec. 19-86. - Temporary use of loading zones.

The driver of a vehicle may stop temporarily at a place marked as a curb or passenger loading zone for the purpose of, and while actually engaged in, loading or unloading passengers when the stopping does not interfere with any vehicle used for the transportation of materials which is waiting to enter or about to enter the loading zone. The foregoing shall not apply if the loading zone is specifically reserved as a freight loading zone or other signage restricts use of the loading zone or prohibits use of the loading zone for passenger loading.

Sec. 19-87. - Disabled parking space violations.

Except for vehicles displaying a valid and proper displayed disabled person parking plate or placard, no vehicle shall be stopped, standing, obstructing or parked in those spaces specifically reserved for disabled person parking. A violation of this provision shall be punished by a civil penalty as set by resolution of the city council. However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit, momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking.

Sec. 19-88. – Leaving vehicle unattended.

No person driving or in charge of any motor vehicle except a licensed delivery truck or other delivery vehicle while making deliveries shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key. No vehicle shall be permitted to stand unattended upon any perceptible grade without stopping the engine and effectively setting the brake thereon and turning the front wheels to the curb or side of the street.

Sec. 19-89. – Inoperable vehicle prohibited.

No person shall park or store an inoperable vehicle on any street or roadway in the city. Inoperable vehicles parked on public property shall be deemed abandoned property and handled in accordance with section 705.103, Florida Statutes, as amended from time to time, or as may be otherwise authorized by this code or Florida Statutes. Inoperable vehicles parked on private property shall be handled in accordance with the motor vehicles division of Chapter 11 of this code and/or through code compliance.

~~Sec. 19-72. Failure to comply with notice or citation attached to vehicle; follow-up notice; prosecution in county court; penalty imposed.~~

- ~~(a) A user or owner who violates any of the restrictions on stopping, standing or parking imposed by ordinance or code in response to such notice or citation affixed to such motor vehicle may pay to the city, the sum of \$25.00 within five business days to avoid a late fee.~~
- ~~(b) If such user or owner shall fail to pay such citation within five business days excluding weekends and holidays, the following late fee shall be imposed: If payment is postmarked after 96 hours of due date, add \$10.00, after 30 days, add \$25.00, plus original payment affixed to citation. Such violator(s) shall have the right to appeal or request a court hearing and if such user or owner is found guilty of such violation in county court, such user or owner shall be fined a minimum of \$50.00 per violation plus court costs.~~
- ~~(c) The violator, upon satisfactorily complying with the applicable code, shall be issued a parking violation payment verification by the City of Riviera Beach Parking Citation Division.~~
- ~~(d) If persons fail to pay three or more fines in accordance with the aforementioned sections, or in accordance with section 19-60, the city will report such failure to the clerk of the court who will furnish the department of motor vehicles a list of violators for the purpose of withholding license plates or revalidation stickers until all fines have been paid.~~

~~Sec. 19-72.1. Failure to comply with section 19-72 or 19-60.~~

~~The clerk of the court shall supply the department of highway safety and motor vehicles with a computer tape or cartridge which is machine readable by the computer system installed at the DHSMV listing persons who have three or more outstanding parking violations, including violations of F.S. § 316.1955 or 316.1956.~~

DIVISION 23. HAZARDOUS TRAFFIC AREAS

Sec. 19-9086. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this ~~division~~section, except where the context clearly indicates a different meaning:

Hazardous traffic areas mean:

- (1) The adjacent road right-of-way on the west side of State Road A1A-703 between Cabana Road and the northern city limits.
- (2) The adjacent road right-of-way on the east side of State Road A1A-703 between Ocean Avenue and the northern city limits.
- (3) Such other areas designated by resolution of the city council.

Prohibited areas means publicly or privately owned vacant lands lying on the east side of State Road A1A-703 between Ocean Avenue and the northern city limits.

Sec. 19-9187. Intent and purpose.

This division is enacted as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations and for the protection of the public rights in the use of city streets and thoroughfares.

Sec. 19-9288. Parking prohibited.

Parking of any vehicle in the hazardous traffic area or prohibited area is prohibited.

Sec. 19-893. Enforcement by removal and impounding.

Any vehicle parked in the hazardous traffic area or in the prohibited area without lawful authority shall be deemed a public nuisance and the department of police or any other agent of the city granted power to enforce city ordinances is hereby authorized to remove or cause to be removed at the sole cost and expense of the owner or violator. Such police authority shall have the power and is hereby authorized to remove the vehicle by either private or governmental equipment to the city pound, or privately operated pound, or else as may be deemed advisable consistent with the regulations set forth in this chapter for impounding vehicles.

Sec. 19-90. Notice to owner.

~~Whenever the department of police has impounded a vehicle as described in section 19-89, a notice of such removal and the storage place of such vehicle shall be mailed to the last registered owner of such vehicle if the name and address of such owner can be ascertained with reasonable diligence. Such notice shall state that if the owner fails to reclaim such vehicle within 60 days from the date of mailing, title to such vehicle will vest in the city and such vehicle will be sold at public auction to be held not sooner than 30 days after the expiration of the 60 day period contained in the notice.~~

~~Sec. 19-91. Owner responsibility.~~

~~The registered owner of a vehicle shall be presumed to be the owner at the time of violation and shall be severally responsible for the offenses and the impoundment, except where the use of the vehicle was secured by the operator without the owner's consent.~~

~~Sec. 19-92. Records.~~

~~(a) It shall be the duty of the police department to safely keep any impounded vehicle until such vehicle shall have been repossessed by the owner or person legally entitled to possession thereof or otherwise disposed of as provided in this section. The police department shall cause to be kept an accurate record of the description of such vehicle including:~~

~~(1) The name of the police officer from whom such a vehicle was received.~~

~~(2) The police officer employed to tow or have delivered the same to the pound or authorized garage.~~

~~(3) The date and time when received.~~

~~(4) The place where found, seized or taken possession of.~~

~~(5) The make and color of car, style or body, kind or power, motor number, serial number, number of cylinders, year built, state license number, if any, equipment and general description.~~

~~(6) The name and address of the person redeeming the vehicle and the date of redemption.~~

~~(7) The manner and date of disposal of the vehicle in case it shall not be redeemed.~~

~~(8) The cost of outstanding summonses and the towing and storage charges.~~

~~(b) This record shall be in the form prescribed by the chief of police.~~

~~Sec. 19-93. Release of vehicle.~~

~~(a) Vehicles impounded pursuant to this division will be released to their lawful owners or person entitled to possession upon showing adequate evidence of a right to its possession and paying the payment of all accrued fines and costs, any outstanding unpaid summons or each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant and the charges for towing and storage. The release should be signed by an authorized officer.~~

~~(b) No vehicle impounded pursuant to this division will be released if there is a certification from a court or administrative bureau that the vehicle has outstanding unpaid summonses charging such vehicle was parked, stopped or standing in violation of any law or ordinance of the city until the owner or person entitled to possession provides proof from the court or administrative bureau that such summonses have been disposed of in accordance with law.~~

~~Sec. 19-94. Sale of vehicle.~~

~~(a) Whenever any vehicle impounded shall remain unclaimed by the owner or other person legally entitled to possession for a period of 60 days from the day notice was mailed, it shall be the duty of the police department to sell such vehicle at public auction to the highest bidder for cash. The time and place of such sale shall be published at least once in a newspaper of general circulation in the city, not less than ten nor more than 15 days from expiration of the~~

~~60 days. The notice shall contain a full description of the vehicle to be sold and at the time and place of sale. Any vehicle not sold at the first sale may be offered for sale and sold at any subsequent sale without further notice or publication.~~

~~(b) The proceeds of such sale after paying all liens and deducting all reasonable charges and expenses incurred by such officer charged with the keeping of the pound, including the fees and charges herein specified in receiving, towing, keeping, preparing and giving notices, advertising for sale or selling or otherwise disposing of such vehicle, shall be paid to the director of finance.~~

~~(c) Whenever any such vehicle shall remain unsold for a period of 180 days from and including the day when it shall have been delivered to any vehicle pound as provided in this division, any such vehicle may be given to the use of any department of the city or other governmental agency desiring it or may be removed for dismantling. No member of the department of police, nor any other employee of the city, directly or indirectly, shall purchase or participate in the bidding for or purchase of any vehicle offered for sale.~~

~~(d) Notice to owners of vehicles deemed by the chief of police to be of no value or of insufficient value to warrant storage and sale shall provide that:~~

~~(1) The owner shall appear to redeem such valueless vehicle within 60 days after the mailing of notice of its removal.~~

~~(2) The vehicle is deemed to be of no value or of insufficient value to warrant storage and sale; and if such owner does not appear, it is the intention of the city to dispose or destroy such vehicle.~~

~~The notice shall be sent to any owner whose name and address can be ascertained with reasonable diligence or by publishing such notice in a newspaper of general circulation in the city once at least five days before its destruction or other disposition. Such vehicle as above provided shall be conclusively deemed of no value and to be abandoned property, and there shall be no claim against the city, chief of police nor any of their agents or employees by reason of any such destruction or disposition.~~

Sec. 19-945. Rules and regulations.

The city council may promulgate such regulations by resolution, as are necessary to effectuate the provisions of this division, including provisions for the recovery of the administrative costs of the program by the city.

Sec. 19-956. Posting of signs.

The city manager is authorized and directed to post appropriate signs designating the hazardous traffic area and the prohibited area at the north and south entrances to the hazardous traffic area and the prohibited area, giving notice to the public at large, and upon the posting of such signs this division shall be enforced.

DIVISION 4. - BEACH PARKING.

Sec. 19-96. - Definitions.

For the purpose of interpreting this division, the following words and phrases shall have the following meanings:

Municipal beach area means that area lying within the municipal boundaries of the city lying east of Park Avenue, west of the Atlantic Ocean, south of 2700 N. Ocean Drive and north of Palm Beach Shores.

Beach area parking lots means the city-owned or city-operated surface parking lots, including public on-street parking spaces, serving the municipal beach area.

Bus shall mean and include buses, shuttles, motor coaches or other similar vehicles used for the transportation of over ten (10) persons.

Resident or beach tenant employee parking areas means those beach area parking lots and/or spaces designated and reserved for the exclusive use of individuals who satisfy the requirements provided herein for year-round residents, seasonal residents or beach tenant employees that possess and display the required decal or other designated authorization from the city.

Sec. 19-97. - Parking generally.

- (a) Parking in the municipal beach area is first come, first serve basis. It shall be unlawful, and a municipal parking violation punishable in accordance with this chapter or state law as a nonmoving violation for any person to park a motor vehicle, as described in this chapter or in F.S. ch. 316, at the municipal beach area along the roadside or in any area not located within one of the municipal beach area parking lots.
- (b) No operator of any motor vehicle shall park any motor vehicle in the beach area parking lots unless the vehicle is within a designated area and marked single parking space. An operator of a motor vehicle may use more than one (1) space if the size or shape of the vehicle makes compliance of this section impossible, but must pay for all spaces.
- (c) All operators of motor vehicles who park in a space in the beach area parking lots must pay for the spot in accordance with the designated rates. No more than two (2) motorcycles, mopeds or scooters shall be allowed to occupy a single designated parking space.
- (d) All roadways, streets, lanes or other public rights-of-way in the municipal beach area not designated and marked for public parking shall be kept open and free of parked vehicles at all times.
- (e) The right granted to a motor vehicle under this division to stop or stand a vehicle for purposes of loading or unloading of passengers shall not extend beyond three (3) minutes. Any motor vehicle unloading or loading passengers must be attended to at all times.
- (f) It shall be a municipal parking violation for any person to park a motor vehicle, as described in F.S. ch. 316, where the vehicle is backed into the parking space and the back of the vehicle blocks, encroaches or otherwise impedes the use of a sidewalk or other pedestrian passage right-of-way in any manner.

- (g) It shall be a municipal parking violation for any person to park a motor vehicle, as described in F.S. § 316.605, obscuring the word "Florida", the vehicle's registration decal, and/or the alphanumeric designation on the license plate in a manner that restricts the license plate from being plainly visible and legible at all times twenty (20) feet from the rear or front.

Sec. 19-98. - Prohibited and restricted parking.

- (a) It shall be a municipal parking violation for any person to park any recreational vehicles including but not limited to a mobile home, motor home, travel trailer, camping trailer, truck camper or slide-in camper, as such vehicles are described in F.S. ch. 320, in the municipal beach area. Also prohibited from parking in the municipal beach area are trucks or other oversized vehicles of a one-ton capacity and greater.
- (b) The city's parking administrator or designee may authorize in writing, the temporary parking of the aforementioned vehicles and commercial vehicles in the beach area parking lot if such temporary parking is necessary and related to a city-sponsored event; is necessary and related to authorized use of city owned or leased facilities in the municipal beach area; or, if necessary and pursuant to a written agreement for the provision of services in the municipal beach area or at nearby beaches.
- (1) The right granted under this section to stop or stand a vehicle for purposes of loading, unloading or delivery of goods, or materials to authorized users of city owned or leased facilities at the municipal beach area, shall apply only to commercial vehicles and shall not extend beyond the time necessary therefore and in no event for more than twenty (20) minutes unless prior approval is obtained from the city.
- (c) Buses in the municipal beach area shall only load or discharge passengers at the designated loading zone areas, except the parking administrator or designee may, for good cause shown, from time to time, and in specific cases only, upon prior notice, allow the loading and discharge of passengers at some other location. The discharging and loading of passengers from such vehicles shall not block any roadway, lane or other right-of-way. If no other option is available, such loading and discharging may occur if limited to a reasonable and necessary time to facilitate such transfer. After the loading or discharging of passengers is complete the vehicle must either legally park or leave the beach parking lot. In no instance shall the operators of said vehicles allow the motors to be stationary and running unless legally parked when the bus is not moving or preparing to move, nor shall the bus be left unattended. Such vehicles shall only park within any parallel spaces available and capable of accommodating vehicles of such size and length.

Sec. 19 -99. - Overnight lodging in vehicle.

It shall be unlawful for any person to use a mobile home, or other motor vehicle designed or modified for living or sleeping use, for overnight lodging at the municipal beach area. No person shall be charged with a violation of this section until he or she has been warned of the prohibition herein, and has willfully refused to comply therewith.

Sec. 19-100. - Designation and use of resident and beach tenant employee parking areas.

- (a) Vehicles displaying a resident or beach tenant employee parking decal issued by the city (or other city authorized designation) shall be permitted to park in the resident parking

areas, which includes the year-round and seasonal residents, or beach tenant employee parking areas as hereinafter provided. Resident and beach tenant employee parking areas may be established by resolution of the city council. If an area is designated for resident parking only, a resident parking decal shall be displayed. If an area is designated for beach tenant employee parking only, a beach tenant employee parking decal shall be displayed. If an area is designated for both resident and beach tenant employee parking, either a resident parking decal or beach tenant employee parking decal must be displayed.

(b) A parking decal as required by this section shall be issued to year-round and seasonal residents who meet the following criteria:

(1) A year-round resident of the city shall furnish proof of such residency by producing one (1) of the following items of current, documentary evidence:

- i. Declaration of domicile;
- ii. Homestead exemption qualification card;
- iii. Ad valorem property tax payment receipt;
- iv. Voter registration card;
- v. A lease agreement with notarized signatures or a notarized letter from a property owner or management company that provides that the person is renting the property and it is within the municipal limits of the city;
- vi. City of Riviera Beach utilities bill, in the name of the applicant, containing waste removal charges.

(2) A seasonal resident of the city shall furnish proof of such residency by producing one (1) of the following items of current, documentary evidence:

- i. Ad valorem real property tax payment receipt reflecting an address within the city limits;
- ii. Mobile home registration reflecting an address within the city limits;
- iii. A lease agreement with notarized signatures or a notarized letter from the property owner or management company that provides that the person is renting the property and it is within the municipal limits of the city; or
- iv. City of Riviera Beach utilities bill, in the name of the applicant, containing waste removal charges.

(3) Both year-round and seasonal residents shall additionally furnish a current, valid motor vehicle registration for each vehicle for which a parking decal is sought, a valid driver's license and one (1) other item of personal identification which reflects a Riviera Beach city address. If the vehicle is registered in a company name, the person seeking the decal shall be referred to the city attorney or designee for a determination of eligibility. With respect to year-round residents, the documents required by subsection (1) and the first sentence of this subsection shall reflect the same city address. A year-round resident who leases a vehicle for which a parking decal is sought shall additionally furnish a notarized copy of the lease in his or her name.

- (d) All persons applying for a resident parking decal shall execute an affidavit, under oath, setting forth any of the foregoing facts or any other facts requested by the city. Said resident executing this affidavit will be advised that if any statement in the affidavit is false, the affiant will be prosecuted for perjury.
- (e) All year-round residents shall pay to the city a fee set forth by resolution for the parking decal which shall be valid for a period of one (1) year commencing on May 1 and expiring the following April 30.
- (f) All seasonal residents shall pay to the city a fee set forth by resolution for the parking decal which shall be valid for a period of one (1) year commencing on May 1 and expiring the following April 30.
- (g) The resident parking decal shall be permanently affixed by the resident to the vehicle in the lower left corner of the windshield on the driver's side as directed by the city. The vehicle upon which the decal is permanently displayed shall be the same vehicle for which registration is exhibited to the city as required herein. Decals are not allowed to be transferred to other vehicles.
- (h) In case of replacement of a vehicle for which a parking decal has been issued, a replacement parking decal shall be issued upon the payment of a replacement fee as established by city resolution and upon production of a vehicle registration certificate for a replacement vehicle and either the old parking decal or an affidavit, executed under oath, stating that the old parking decal has been lost, stolen or destroyed.
- (i) In addition to all other requirements contained herein, all unmarried minor persons applying for a resident parking decal shall furnish the affidavit provided for in subsection (4), which shall be co-signed by a parent or natural or court-appointed guardian. Proof of guardianship or marriage may be required by the issuing authority.
- (j) In case of a dispute, the city attorney or designee shall have the authority to make a determination of issuance or non-issuance of the resident parking decal.
- (k) Upon payment of the fee set by city resolution, any beach tenant employee who is employed by an authorized tenant of the municipal beach area shall be issued a beach tenant employee parking decal. The decal shall be permanently affixed in the lower left corner of the windshield on the driver's side as directed by the city. A replacement decal shall be issued upon the payment of a replacement fee as set by city resolution and upon production of either the old parking decal or an affidavit, executed under oath, stating that the old decal has been lost, stolen or destroyed. The decal shall be valid for the period specified by city resolution. Tenant employee decals are city property and must be returned upon termination of employment or non-payment as set by city resolution.
- (l) It shall be a municipal parking violation for any person to park a motor vehicle which does not display a resident or beach tenant employee parking decal as herein provided or pay the metered fee in the resident and beach tenant employee parking areas. A violation of this section shall be punished by a civil penalty set forth by city resolution.
- (m) It shall be a misdemeanor of the second degree for any person to temporarily affix in any manner, such as though the use of adhesive tape, a resident beach parking decal or beach tenant employee parking decal to any motor vehicle. Furthermore, it shall be a

misdemeanor of the second degree for any person to be in the possession of a motor vehicle on which is temporarily displayed in any manner a resident beach parking decal or beach tenant employee parking decal.

- (n) It shall be a misdemeanor of the second degree for any person to forge, duplicate or reproduce in any manner a resident beach parking decal or beach tenant employee parking decal.
- (o) It shall be a misdemeanor of the second degree for any person to display in any manner a forged, duplicated or otherwise reproduced resident beach parking decal or beach tenant employee parking decal on any motor vehicle.
- (p) Furthermore, it shall be a misdemeanor of the second degree for any person to be in the possession of a motor vehicle on which is displayed a forged, duplicated or otherwise reproduced resident beach parking decal or beach tenant employee parking decal.
- (q) Except to the extent that decal parking is allowed pursuant to this article, the rates for metered municipal beach parking shall be set by city resolution.
- (r) A resident parking permit shall not guarantee or reserve to the holder of the permit a parking space within a designated parking lot or beach access easement.
- (s) The city is authorized to revoke the resident parking permit of any permittee found to be in violation of this division and, upon written notification thereof, the permittee shall surrender such permit to the city. Failure, when so requested, to surrender a resident parking permit so revoked shall constitute a violation of this division.
- (t) Residents will be issued no more than one (1) parking permit per bedroom and, at a maximum, no more than three (3) parking permits per dwelling.
- (u) Parking Permits issued under this division may only be utilized during the hours set by resolution of the city council.

DIVISION 5. - CITY PARKING GARAGES.

Sec. 19-101. - Parking in city parking garages.

- (a) Parking in the city's parking garages is on a first-come, first-served basis. No parking spaces shall be reserved except as may be designated by the parking administrator or designee.
- (b) Parking in city parking garages shall be at rates established by resolution of the city council.
- (c) Monthly permits. Monthly permits allowing use of city parking garages may be issued at the discretion of the parking administrator or designee. Monthly permits grant access to a designated area of the applicable parking garage; but do not reserve or guarantee the availability of spaces.

Sec. 19-102. - Overnight parking.

City parking garage facilities are not intended for long term unattended parking/storage of vehicles. Although overnight parking is permitted, no privately owned vehicle is allowed to be parked/stored in any city parking facility for more than five (5) consecutive business days without

exiting the facility. Any privately owned vehicle parked/stored in a city-owned parking facility over five (5) consecutive business days will be subjected to towing at the vehicle owner's expense.

Sec. 19-103. - Parking in city garages during a hurricane or highly inclement weather.

The declaration of a local state of emergency issued by city council, may provide that the city's parking garages may remain open without charge for vehicles to be stored for their protection. The declaration shall have a starting day and time and an ending day and time during which period there is no charge of parking fees to the public. However, if a vehicle is parked prior to beginning of the period and/or after the end of the period, such vehicles must pay the established parking rates for the time parked, excluding the declared emergency period. Use of the city parking garages during the emergency period shall be limited to two vehicles per resident, visitor or business. Vehicles parked illegally may be towed upon approval by the parking administrator or designee.

DIVISION 36. PARKING METERS

Sec. 19-116. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Parking meter space means any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface in the area adjacent to or adjoining the parking meters.

Parking meter zone means and includes any area upon which parking meters are installed and in operation.

Sec. 19-117. Authority to designate zones and spaces and install meters.

The city council is hereby authorized and directed to establish as it may deem best, and from time to time hereafter as traffic conditions require, zones to be known as parking meter zones upon such streets or other areas in the city as are selected for the location of such zones. In such parking meter zones the city council shall cause parking meters to be installed when necessary and shall cause parking meter spaces to be designated as hereinafter provided.

Sec. 19-118. Installation, location, condition, violation legend of meters.

The city council shall provide for installation of meters, including curb, street or other area marking lines, regulation and operation thereof, and shall cause such meters to be maintained in good workable condition. Meters shall be placed upon the curb or other areas chosen next to individual parking places. Meters shall be so constructed as to display a signal showing legal parking upon deposit of the proper coin of the United States as indicated by instructions of such

~~meter, and for a period of time conforming to the parking limits of the city, as indicated on such meter. Such signal shall remain in evidence until expiration of such parking period so designated, at which time a change of signal or some other mechanical operation shall indicate expiration of the parking period.~~

~~Sec. 19-119. Agreements for installation and payment.~~

~~The city is hereby vested with the authority to enter into contracts for the purchase and installation of parking meters and to provide payment therefor exclusively from the receipts obtained by the city from their operation. Such means of payment shall be in addition to any other purchasing powers heretofore granted the city by its charter or by the laws of the state.~~

~~Sec. 19-120. Manner of parking, depositing coins.~~

- ~~(a) When any vehicle shall be parked next to a parking meter, the owner or operator of such vehicle shall park within the area designated by the curb, streets or other area marking lines as indicated for parallel or diagonal parking. Upon entering such parking space, the owner or operator shall immediately deposit in the meter the proper coin or coins, as indicated by instructions on such meter. It shall be unlawful for any person to fail to park within such designated area or fail or neglect to so deposit the proper coin or coins as aforesaid.~~
- ~~(b) Such parking space may then be used by such vehicle during the legal parking limit provided by the ordinances of the city. Such vehicle shall be considered as unlawfully parked if it remains in such space beyond the legal parking limit and/or when such parking meter displays a signal showing such illegal parking.~~
- ~~(c) It shall be unlawful for any person to cause or permit any vehicle registered in his name to be unlawfully parked as set out in this section.~~

~~Sec. 19-121. Evidence of ownership of vehicle.~~

~~Proof of registration of a motor vehicle and proof of a violation of this division shall be construed as prima facie proof that the registered owner of such motor vehicle was the user or operator at the time of the violation charged.~~

~~Sec. 19-122. Extending time beyond limit.~~

~~It shall be unlawful for any person to deposit or cause to be deposited in a parking meter more coins for the purpose of extending the parking time beyond the maximum time fixed by the ordinances of the city.~~

~~Sec. 19-123. Depositing slugs.~~

~~It shall be unlawful to deposit or cause to be deposited in any parking meter, any slug, device or a metallic substitute for a coin of the United States.~~

~~Sec. 19-124. Tampering with, injuring.~~

~~It shall be unlawful for any person to tamper with, open, wilfully break or destroy any parking meter.~~

Sec. 19-125. Duties of police as to violators—Collecting fines.

- ~~(a) It shall be the duty of police officers or other persons acting in accordance with instructions issued by the chief of police, to report:~~
- ~~(1) The number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions of this division.~~
 - ~~(2) The state license number of such vehicle.~~
 - ~~(3) The length of time during which such vehicle is known to have been parked in violation of any of the provisions of this division.~~
 - ~~(4) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.~~
- ~~(b) Each such police officer or person shall also attach to such vehicle a notice to the owner thereof that such vehicle has been parked in violation of the provisions of this division and instructing such owner to report at the police station in regard to such violations.~~
- ~~(c) Each such owner may pay to the desk sergeant at the police station, as a penalty for and in full satisfaction of such violation, the sum of \$10.00 if paid within ten days of the time when such notice was attached to such vehicle. The failure of the owner to make such payments within such ten day period shall render the owner guilty of a violation of this division.~~
- ~~(d) Moneys paid to and received by the police department shall be transferred and paid over by the department to the director of finance on the first weekday next succeeding the collection thereof.~~

Sec. 19-126. Same—Complaint against violators.

~~It shall be the duty of traffic officers so instructed to take the parking meter number and the state vehicle tag number of all persons violating the provisions of this division and make complaint therefor in court when settlement is not made.~~

Sec. 19-127. Use of proceeds.

~~The coins required to be deposited in parking meters as provided herein are hereby levied and assessed as fees to provide for the proper regulation and control of traffic upon the public streets and to cover the cost of the supervision, inspection, installation, operation, maintenance, control and use of the parking spaces and parking meters described herein and also the cost of supervising and regulating the parking of vehicles in the parking meter zones created hereby.~~

Sec. 19-128. Maximum time on Ocean Drive at municipal beach.

~~The maximum time limit for parking meters on Ocean Drive fronting on the municipal beach shall be three hours.~~

Sec. 19-129. Division cumulative.

~~This division shall be deemed to be in addition and supplementary to, and not in conflict with nor a repeal of prior or existing ordinances, but shall be an additional provision for the regulation of traffic and parking in those zones provided for herein.~~

DIVISION 6. - ENFORCEMENT.

Sec. 19-104. - Enforcement procedure.

- (a) Whenever a vehicle is deemed to be in violation of this article, the city's parking enforcement officer locating such vehicle shall endeavor to identify the owner thereof, and shall deliver to the violator, or affix to the vehicle, a municipal parking citation describing the same and the civil penalty therefore. If the violator drives the vehicle away from or in any manner leaves the site of the violation while the parking enforcement officer is preparing the parking citation, or refuses service of the parking citation and drives away from or in any manner leaves the site of the violation, this fact shall be duly noted in the parking system. This shall constitute prima facie evidence that the parking citation was issued and that an attempt at service thereof was made in accordance with the provisions of this article.
- (b) The violator shall have fifteen (15) calendar days to pay the stated penalty, or to request an appeal hearing for the municipal parking citation issued by the city. In the event the violator does not pay the stated penalty or a signed and completed appeal form is not received by the city within the fifteen (15) calendar day period, the civil penalty prescribed for the alleged violation shall double in amount and tender of payment of a lesser amount shall not be accepted. The city must have received the payment or the request for appeal prior to the close of business on the 15th day in order to be in compliance with this section. In those cases where the citation is mailed to the violator, the city's parking administrator is authorized to waive the doubling of the civil penalty based upon good cause.
- (c) Alternatively, whenever a vehicle is deemed to be in violation of this article and the violation is discovered through an authorized city vendor charged with parking management and/or enforcement, the city vendor may utilize any legal process the city vendor utilizes to enforce this article including, but not limited to, assessing fines and penalties and sending delinquencies to collections. In addition, the city or the police department may utilize any other legal process available to the city or the police department to enforce the provisions of this article.
- (d) The city's parking administrator with the approval of the city manager shall establish a parking enforcement policy and procedures manual to further implement these enforcement procedures including, but not limited to, a procedure for hearing municipal parking citation appeals.

Sec. 19-105. - Withholding of license plates and validation stickers.

- (a) Violations shall be supplied to the State of Florida Department of Highway Safety and Motor Vehicles (DHSMV) with a magnetically encoded computer tape reel or cartridge which is machine readable by the installed computer system at DHSMV, listing persons who have three (3) or more outstanding parking citations.
- (b) If a person's name appears on the list referred to in subsection (a) above, no license plate or revalidation sticker shall be issued to such person until such person's name no longer appears on said list or until such person presents a receipt showing that such parking

citations have been paid. The tax collector shall be entitled to receive monthly, as costs for implementing and administering this subsection, ten percent (10%) of the civil penalties and fines covered from such persons.

- (c) If a person's name appears on the list referred to in subsection (a) above, the civil penalty or fine for each parking citation that contributed to the appearance of the person's name on the list will increase by fifteen percent (15%), and tender of payment of a lesser amount will not be accepted.

Sec. 19-106. - Penalties.

The fines for a violation of this article shall be established by resolution of the city council. Any fine imposed under this chapter shall be paid in addition to any immobilization and/or impoundment charges.

Sec. 19-107. - Delinquent parking violations; additional fees.

- (a) Municipal parking violations fines and penalties for which full payment is not received within forty-five (45) calendar days from the date of issuance will be subject to no more than an additional twenty-five percent (25%) cost.
- (b) Pursuant to F.S. § 938.35, parking violations, fines and penalties for which full payment is not received within ninety (90) calendar days from the date of issuance will also be subject to an additional collection fee, if the account is referred to a private attorney who is a member in good standing of the Florida Bar or to a collection agent who is registered and in good standing pursuant to F.S. ch. 559, each retained by the city pursuant to its applicable procurement practices to pursue the collection of such unpaid financial obligations. The amount of such collection fee shall not exceed twenty-five percent (25%) of the amount owed at the time the account is referred to the attorney or agents for collection, or in the actual amount charged by such private attorney or agents for collection, whichever is less.
- (c) In the case of overpayment of a municipal parking violation fine and penalty, no refund shall be made if payment of any other delinquent citation is due and owing on any vehicle owned by the same registered owner of the vehicle, and if such citation is not under appeal. The city shall apply such credit balance to the oldest outstanding delinquent parking violation first.

Sec. 19-108. - Administrative review process; voiding of citations; waiver of late fees; imposition of administrative fees.

- (a) The city's parking administrator is authorized to dismiss/void a municipal parking citation, impose administrative fees, or waive late fees under the following circumstances:
Defective meters or other devices. If a person who has received a parking citation for overtime parking believes the parking meter or other device used to determine the overtime parking violation is defective or malfunctioning, such person shall notify the city's parking administrative office in writing of the alleged defect or malfunction within seventy-two (72) hours of the time of issuance of the parking citation by completing an on-line form.

- (1) If the meter or other device is found to be functioning properly, the person who contacted the city shall be notified in writing by email or phone by the city's parking administrative office, and all fines and penalties shall be due and payable within fifteen (15) calendar days of the date of the notification.
 - (2) If the meter or other device is found to be defective or malfunctioning, the person who contacted the city shall be notified in writing by email or phone by the city's parking administrative office and the parking citation shall be deemed to be invalid and all fines and penalties shall be removed.
 - (3) Those other circumstances listed in the adopted parking policy and procedure manual or in the schedule of fees and charges for services allowing the parking administrator to void citations and waive late fees.
- (b) An administrative fee may be assessed for voiding parking citations as set forth in the schedule of fees and charges for services.
- (c) An administrative fee may be assessed when payments are presented in person at the city, if such fee is provided for in the schedule of fees and charges for services.

ARTICLE IV. -TOWING, IMPOUNDING, AND IMMOBILIZATION.

DIVISION 48. IMPOUNDING VEHICLES

Sec. 19-109. - Enforcement.

Except where specifically allowed, this chapter may be enforced by a duly authorized city representative. A "duly authorized city representative" shall consist of, but not be limited to, employees of the city's police department, city code compliance officers, parking enforcement employees, and city authorized contractors.

Sec. 19-110. - Immobilizing of motor vehicles.

- (a) A duly authorized city representative is authorized to attach a device that is capable of immobilizing a motor vehicle so that it cannot be moved under its own power without damage to the motor vehicle:
- (1) When three (3) or more citations for unlawful or illegal parking involving any vehicle bearing the license plate that has been cited, have been outstanding for more than fifteen (15) days and have not been disposed of by payment of the fine or cancellation of the citations by the city or by requesting an appeal hearing as provided in this chapter; or
 - (2) When the motor vehicle is not lawfully displaying a license plate in accordance with section 316.605, Florida Statutes, or the vehicle identification number is covered in such a manner as to prohibit a duly authorized city representative from reading it.
- (b) The immobilizing device shall be attached to the motor vehicle at the location where the motor vehicle is parked, except that no motor vehicle shall be immobilized within the traveled portion of a street or on a portion of a street when immobilization at that location would create a hazard to the public or to traffic on the street. At the same time the

immobilizing device is attached to the motor vehicle, a notice shall be affixed to the windshield or other prominent place on the motor vehicle stating that the immobilizing device has been so attached, cautioning the operator not to attempt to operate the motor vehicle while the immobilizing device is still attached, informing the owner or operator of the motor vehicle of the number of total fines and charges assessable under the citations for which the motor vehicle is immobilized (including the removal charge, as set forth by city resolution, for removal of the immobilizing device and all citations that are outstanding and incurred at the time of immobilization), and informing the owner or operator of the location where he/she must go in order to pay the fines and charges and have the immobilizing device removed from the motor vehicle.

- (c) The immobilizing device shall be removed, by a duly authorized city representative, from the motor vehicle upon correction of any violation and payment to the city of the total fine and charges for which the motor vehicle is immobilized. It shall be unlawful for a person, except for a duly authorized city representative, to remove or cause to be removed the immobilizing device. Alternatively, if an authorized city vendor is utilized to immobilize vehicles and the vendor has an automated process for payment of delinquent amounts and automated removal of the immobilizing device upon receipt of payment, the authorized city vendor may utilize such automated process for the removal of the immobilizing device.
- (d) The duly authorized city representative may tow or cause to be towed and impounded a motor vehicle immobilized under this division if fines and charges have not been paid or satisfactory arrangements in lieu thereof have not been obtained within twenty-four (24) hours of attaching the immobilization device to the motor vehicle. A duly authorized city representative may also tow or cause to be towed and impounded a motor vehicle that has been immobilized under this article if the immobilizing device has been removed without the authorization set forth in this article. Under certain circumstances, such as the driver or owner threatening to remove the immobilizing device, a duly authorized city representative shall have the option of towing the vehicle at the time the vehicle is immobilized. All expenses for towing or impounding shall not exceed the rates set forth by Palm Beach County, and shall be borne by the owner of the motor vehicle. All expenses for immobilization shall be set forth by resolution, adopted by the city council, and shall be borne by the owner of the motor vehicle. Such expenses may include fines, administrative costs, and costs of repair or replacement to an immobilization device. All towing, impounding or immobilization shall be carried out in accordance with this article.

Sec. 19-111. - Tow-away zones; removal of motor vehicles; designation of no-parking zones; notice.

- (a) *Tow away zones; removal of motor vehicles.* A duly authorized city representative is hereby authorized to remove, or cause the removal of and impoundment of, vehicles to a storage area designated or maintained by the city (or its towing contractor) or by the city's law enforcement agency, or to move such vehicles or cause such vehicles to be moved, or to require the owner or operator of the vehicle to move such vehicles to a position which would not be an obstruction or in violation of any ordinance under the circumstances hereinafter enumerated:

- (1) When any vehicle is left unattended upon any street, bridge, roadway, or where such vehicle constitutes an obstruction to traffic.
 - (2) When a vehicle upon a street is so disabled that it obstructs traffic, or the operator of the vehicle is by reason of physical injury incapacitated to such an extent that the operator is unable to remove the vehicle.
 - (3) When any vehicle, parked in the public right-of-way or on publicly owned property, is in violation of prior notices to remove the vehicle due to work/special events using the right-of-way or publicly owned property.
 - (4) When any vehicle, parked in the public right-of-way or on publicly owned property, is left unattended continuously for more than twenty-four (24) hours, after being cited.
 - (5) When the driver of such vehicle is taken into custody by a law enforcement agency and such vehicle would thereby be left unattended upon a street, bridge, roadway or where such vehicle would constitute an obstruction to traffic.
 - (6) When removal is necessary in the interest of public safety because of fire, flood, storm, or other emergency reason.
 - (7) When a vehicle is parked in violation of a parking control device or sign which informs the vehicle operator that the area in which the vehicle is parked is an official tow away zone or other prohibited area requiring removal of the vehicle.
 - (8) When any vehicle is parked or stopped or engaged in loading or unloading merchandise or passengers in an area designated as a “no loading” or “no parking” zone.
 - (9) When otherwise authorized under this chapter or code.
- (b) Designation of “no parking”/“tow-away” zones. The city manager, or designee, may designate from time to time certain areas (i.e., roads, streets, rights-of-way, publicly owned property), or portions thereof, as “no parking” zones for such hours, days or periods of time as determined by the city manager, or designee, and designate such areas as a “tow-away” zone for vehicles parked in violation thereof. The city manager, or designee, shall provide for the posting of signs and/or parking control devices in the designated areas identifying such areas as “no parking” for the time periods in which no parking provisions are enforced, and further identifying such area as a designated "tow-away" zone.

The existence of such signs, signals, markers, or traffic control devices at any place within the corporate limits of the city shall be prima facie evidence that such signs, signals, markers, or traffic control devices were erected or placed in accordance with the provisions of this article.

- (c) Notice on illegally parked vehicles. Whenever any vehicle, without driver, is found to be parked, stopped or standing in violation of any of the provisions of this code, a duly authorized city representative shall conspicuously affix to such a vehicle a written citation on an appropriate form. This section shall not be construed to prohibit or restrict the issuance of a citation in any other appropriate circumstance.

Sec. 19-112. - Maintenance of storage places for impounded vehicles.

The city may maintain a storage place for motor vehicles impounded pursuant to this division or the city may authorize storage of the impounded motor vehicles at another location that is maintained by the city's towing contractor.

Sec. 19-113. - Notice of impoundment.

- (a) *When owner present.* When a duly authorized city representative intends to impound a vehicle pursuant to this division and the owner of the vehicle is present, the duly authorized city representative shall, before the vehicle is removed, provide the owner with a notice, in a form prescribed by the city, that the vehicle is being impounded, that towing and storage charges will be assessed against the impounded vehicle, that the owner may claim and regain possession of the impounded vehicle at the location to which it is being removed for storage upon the payment of towing and storage charges as well as any charges due to the city. The notice shall state the location where the impounded vehicle will be stored and that the owner may appeal the charges. The notice shall also state, in prominent language, that failure by the owner to request an appeal within the appropriate time period may result in the placing of a lien against the vehicle for the towing and storage charges without further notice to the owner.
- (b) *When owner not present.* When a duly authorized city representative impounds and removes a vehicle pursuant to this division and the owner of the vehicle is not present at the time of the impoundment, the duly authorized city representative shall provide notice in accordance with state statute.
- (c) *Failure or refusal to sign notice.* If a person who is required by this section to sign a notice of impoundment willfully fails or refuses to do so, or if the person cannot be located, the duly authorized city representative shall note this fact on the face of the notice, which shall constitute prima facie evidence of delivery or service of notice as required by this section.
- (d) *City to send notice to any lienholders; notice to entity providing temporary tag.* In addition to the notice required herein, when the duly authorized city representative impounds and removes a vehicle pursuant to this article, he/she shall also send a similar notice of such impoundment, in writing within seven (7) days of the date of such impoundment, to any and all lienholders of record (as appears on the motor vehicle registration or as disclosed by the records in the State Department of Highway Safety and Motor Vehicles). In the event the impounded vehicle has a temporary license tag affixed to it, the city shall provide, if possible, the same notice required herein to the entity to which a temporary license tag was issued.
- (e) *No notice by city necessary if provided by a towing contractor.* Notwithstanding any provisions to the contrary contained in this division, it shall not be necessary for the city to provide to the owner or lienholder of an impounded motor vehicle notice of impoundment or storage as required by this article if such notice is to be or has been provided by the towing contractor storing the vehicle pursuant to the notification required by law.

Sec. 19-114. - Release of vehicle from impoundment.

The owner of an impounded vehicle may secure the release of the vehicle from impoundment upon requesting the release and presenting proof of ownership such as, but not limited to, vehicle title, current registration, notarized release from vehicle owner, insurance card with owner name and VIN, licensed dealer with auction buyer's invoice and notarized bill of sale for non-titled vehicles. The custodian shall release the vehicle to the owner or the owner's agent upon payment of the accrued parking citation fees and charges and towing and storage charges. Such payment shall be in the form of cash, cashier's check or money order or as otherwise authorized to be accepted by the city or the city's authorized contractor.

Sec. 19-115. - Towing, storage and immobilization charges/fees.

Towing and storage charges shall be in accordance with the rates set forth by Palm Beach County and as they may be amended. Charges for immobilization shall be as set forth by the city council by resolution. Administrative fees charged for towing, storage and immobilization shall be as set forth by the city council by resolution.

Sec. 19-116. - Towing, storage and/or immobilization charges and parking fines to constitute lien; notice requirements; limitations.

The towing, storage and/or immobilization charges and parking fines occasioned by the immobilization/impoundment of a vehicle pursuant to this division shall be and constitute a lien upon the immobilized/impounded vehicle, except as provided in this section. If, upon appeal, the special magistrate finds that the immobilization/impoundment was improper and if the special magistrate determines that the city shall bear part or all of the towing and storage charges and parking fines, the lien created by this section shall be discharged. If the special magistrate finds that the immobilization/impoundment was proper but that the towing, storage and/or immobilization charges and parking fines should be in an amount less than the amount of the lien, the lien created by this section shall be discharged to the extent that it exceeds the amount established by the special magistrate.

Sec. 19-117 - Statutory procedures.

The procedures established by Florida Statutes for the collection of unpaid towing and storage charges shall apply.

Sec. 19- 118. - Limitation of liability.

The city specifically disclaims liability for any damages, injuries, or losses caused by or resulting from the use of an immobilization device and/or from towing and impoundment as used in the provisions hereof.

Sec. 19-119. - Appeals.

(a) Any person who is the owner of a vehicle on which an immobilization device has been attached and/or is the owner of a vehicle that has been towed and impounded for parking violations under this chapter, hereinafter referred to as the appellant, may file an appeal to establish if the vehicle had the immobilization device improperly attached or if the vehicle

- was improperly towed due to the failure to meet the provisions of this article. The appeal shall be heard by the city's special magistrate appointed to hear code compliance cases.
- (b) An appeal must be submitted in writing by the appellant within three (3) days from the time an immobilization device was attached to the vehicle and/or the vehicle was towed and impounded. The filing of an appeal requires the payment of the outstanding parking citation amounts and the immobilization and/or towing charges due to the city.
 - (c) A hearing date shall be scheduled by the city upon receipt of the appeal. The appellant shall be given at least ten (10) days' notice of the time and place of the hearing by mailing the notice to the appellant's address listed on the appellant's appeal.
 - (d) At the conclusion of the hearing, the special magistrate shall make a final and conclusive determination whether the immobilization and/or towing/impoundment were proper and in accordance the provisions of this article. The determination shall be reduced to writing and signed by the special magistrate and filed in the office of the city clerk, and a copy shall be mailed to the appellant.
 - (e) The decision of the special magistrate shall be effective when filed with the city clerk.
 - (f) If the special magistrate rules in favor of the appellant, all fees, fines and penalties paid by the appellant to the city regarding the attachment of immobilization device, and/or towing/impoundment shall be returned to the appellant as soon as reasonably practicable including the appeal fee.
 - (g) If the special magistrate rules against the appellant, the city shall retain all fees, fines and penalties paid including the appeal fee.

Sec. 19-110. - Immobilization of vehicles on private property.

- (a) *Business tax receipt required.* No property owner or immobilization contractor shall engage in the business of immobilization of motor vehicles parked on private property without permission or authority unless such property owner or immobilization contractor shall first obtain a business tax receipt in accordance with the procedures set out in this code. For purposes of this section, the term "property owner" shall include and refer to the owner, lessee, or controller, person or entity otherwise in control of real property, their agents, servants, or employees. The immobilization contractor shall sometimes be referred to in this section as the "contractor." The term "premises" shall mean the private property owned, controlled or used by a property owner for the parking of motor vehicles at its business or auxiliary to its business.
- (b) *Immobilization license required.* No property owner or contractor shall engage in the business of immobilization of motor vehicles which are parked on private property without permission or authority unless such property owner or immobilization contractor shall first apply for and obtain an immobilization license.
- (c) *Requirements for immobilization license.* No property owner or immobilization contractor shall be issued an immobilization license under this section unless there is proof of compliance with each of the following requirements:
 - (1) *Notice.*

- i. Notice must be prominently placed at each driveway access or curb allowing vehicular access to the property, within five feet from the public right-of-way line.
- ii. The notice must clearly indicate on a sign which meets the identical physical requirements mandated in this article that parking is reserved for customers only and unauthorized vehicles will be subject to immobilization and/or towing at the owner's expense.
- iii. The notice must also provide the name and telephone number of the person or firm immobilizing the vehicle, the fee for the removal of the immobilization device, such fee not to exceed a maximum rate as established by resolution of the city council and on file in the city clerk's office, unless modified pursuant to the procedures indicated in this article. Acceptable methods of payment shall include cash, check payable in United States funds and credit card. The maximum fee for the removal of the immobilization device shall be effective from the date of adoption of the ordinance from which this section is derived.
- iv. The notices shall read substantially as follows (with the designated information to be inserted at the indicated spaces):

ALERT! IMMOBILIZATION/TOW-AWAY ZONE ENTERING PRIVATE PROPERTY PARKING PERMITTED FOR (insert name of property owner) CUSTOMERS ONLY. IF YOU PARK YOUR VEHICLE AND LEAVE THE PREMISES, YOUR VEHICLE WILL BE IMMEDIATELY IMMOBILIZED SUBJECT TO A (insert fee) FEE TO RELEASE VEHICLE OR TOWED AT YOUR EXPENSE. IMMOBILIZATION PERFORMED BY: (Insert name, address and telephone number to call).

- v. If the property is being operated as a parking lot business, the notice language in subsection (c)(1)d of this section should be modified to provide that immobilization shall result in the event that the vehicle is parked in the parking lot without payment of the parking fee.
 - vi. The sign structure containing the required notices must be permanently installed with the words "Alert. Immobilization/Tow-Away Zone." The sign shall meet the physical requirements contained in this article.
- (2) Inspection of real property where immobilization is used to enforce parking restrictions. The property owner shall provide access to city personnel in order to inspect the required signs on premises where immobilization is used to enforce parking restrictions.
 - (3) Method of immobilization. Immobilization shall be accomplished by placing a steel boot to the front wheel on the driver's side of the motor vehicle. The steel boot may be placed on any other wheel if placement on the front wheel on the driver's side is not feasible.
 - (4) Warning sign requirement. Upon immobilization, the property owner shall affix a warning notice written in English, Spanish, Portuguese, German and French, on the

driver's side window of the vehicle, indicating that the vehicle is immobilized and that any attempt to move it will cause damage, and shall provide a local telephone number to contact for release of the immobilization device, and the fee for its removal. The city shall provide the property owner or immobilization contractor with a form copy of the warning sign simultaneously with the issuance of its immobilization license.

- (5) *Availability and response time.* The property owner or immobilization contractor shall make available on a 24-hour, seven-days-a-week basis, attendants and equipment for the timely release of the immobilization device. The immobilization contractor is required to remove the immobilization device from the vehicle within 30 minutes of a call for such service by the owner of the immobilized vehicle provided payment to remove the device has been made.
- (6) *Record of contracts.* The property owner or immobilization contractor shall file and maintain on record at all times with the clerk or designee a list of any and all current written contracts for immobilization services on private real property within the city limits. The list shall be kept current and shall provide the city with (i) the address of the real property; (ii) the date of the agreement; (iii) a contact name and telephone number at the premises.
- (7) *Towing/removal requirements.* An immobilized vehicle shall not remain immobilized on private property for more than 24 hours. After such period of time has expired, the vehicle shall be released from the steel boot and may be towed or removed.
- (8) *Insurance.* The property owner or immobilization contractor shall file with the city's risk management division and have in effect an insurance policy or certificates of insurance in lieu thereof, which shall indemnify or insure the property owner or immobilization contractor for all claims of damage to property resulting from any action or operation in connection with the service performed, such amount not to be less than \$20,000.00 for each incident.
- (9) *Recordkeeping procedures.* The property owner or immobilization contractor shall keep an immobilization log with information including but not limited to: date and time the vehicle was observed illegally parked, compliance with subsection (c)(3) of this section, the date and time of immobilization, the location/address of the real property where the immobilization took place, make, model, color and license tag number of the vehicle immobilized. In addition, the immobilization contractor shall include in the log the following release information: verification of vehicle ownership, the name of the person removing the steel boot and the name of the person requesting tow service, if applicable. All files, records, and logs shall be available for inspection at the subject premises during normal working hours by the city, upon reasonable notice to the property owner or immobilization contractor.
- (10) *Ethics and conduct.* The property owner and immobilization contractor shall conduct their business in an orderly, ethical, and business-like manner at all times, and shall use every means to obtain and keep the confidence of the motoring public. All public contact shall be in a courteous and orderly manner.

- (d) Enforcement. If at any time a property owner or immobilization contractor fails or refuses to comply with, or violates any of the provisions of this section, such property owner engaging the services of the immobilization contractor shall be subject to prosecution under the city's code enforcement system. Additionally, the city may seek injunctive relief and/or follow procedures to revoke and/or suspend the occupational license as set forth in this Code.
- (e) Exemptions. Nothing in this section shall affect the rules and regulations governing any person or firm engaged in the towing and removal of vehicles parked on private property within the city.
- (f) Rebates. The rebate or payment of money or any other valuable consideration, directly or indirectly from the individual or firm immobilizing or removing vehicles to the owners or operators of the premises from which the vehicles are immobilized or removed, for the privilege of immobilizing or removing those vehicles, is prohibited.
- (g) Identification. The immobilization contractor's employees or agents shall wear identification tags stating the full name of the contractor and the name of the employee or agent; no identification worn by contractor's employees or agents shall use the words "enforcement," "department" or "police." Such identification tags shall be prominently displayed on the front left side of the employee's or agent's shirt. Contractor's employees or agents shall not wear uniforms that bear resemblance to law enforcement officers. No badges that bear resemblance to law enforcement officers may be worn by immobilization contractor or staff. All contractor vehicles shall display the company name (or name of joint venture or individual owner or other entity ownership) on the driver and passenger side of the vehicle in letters at least three inches high. The company's address (or address of joint venture, or individual owner or other entity ownership) and telephone number shall be displayed on the driver and passenger side of the vehicle in letters at least one inch high. No contractor shall use the words "enforcement," "department" or "police" in its company name (or name of joint venture, fictitious name, or entity name).
- (h) Citizen complaints. The immobilization contractor shall respond in writing to any complaints received by the mayor or his designee, concerning misconduct on the part of contractor or its employees or agents, such as excessive charges, poor business practices, discourteous service, damage to vehicles or failure to give notice as required by this section. The city shall notify the contractor of any complaints within five business days from receipt of the citizen complaint. The contractor shall provide any additional explanation or information with respect to the particular complaint within five days upon notification. A written disposition of the complaint will be forwarded to the contractor and the citizen complainant upon completion of the investigation.

~~19-146. When impoundment authorized.~~

~~Police officers of the city are hereby authorized to remove a vehicle from a street or public right of way to the nearest garage or other place of safety or to a garage designated or impoundment area maintained by the police department or city when:~~

- ~~(1) Any vehicle is left unattended upon any bridge, viaduct, causeway or tunnel, where such vehicle constitutes an obstruction to traffic.~~
- ~~(2) A vehicle upon a street is so disabled as to constitute an obstruction to traffic or the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody and removal.~~
- ~~(3) A vehicle is found being operated upon the streets and is not in proper condition.~~
- ~~(4) Any vehicle is parked continuously upon a street for more than 72 hours.~~
- ~~(5) Any vehicle is left unattended upon a street or public right of way and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of pedestrian or vehicular traffic.~~
- ~~(6) The driver of such vehicle is taken into custody by the police department and such vehicle would thereby be left unattended upon a street.~~
- ~~(7) Removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason.~~

~~Sec. 19-147. Notice to owner.~~

- ~~(a) Whenever a police officer removes a vehicle from a street as authorized by section 19-146 and when the police officer knows or is able to ascertain the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and the place to which such vehicle has been removed. In the event of such vehicle being stored in a commercial garage, a copy of such notice shall be given to the proprietor of such garage.~~
- ~~(b) Whenever a police officer removes a vehicle from a street under this division and does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner, and if the vehicle is not returned to the owner within a period of three days, then the police officer shall immediately send or cause to be sent a written report of such removal by mail to the state department of highway safety and motor vehicles and shall file a copy of such notice with the proprietor of any commercial garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal and the name of the garage or place where the vehicle is stored.~~

~~Sec. 19-148. Charges and fees.~~

~~No vehicle impounded shall be released until the charges for towing such vehicle and storage charges have been paid. The charge for towing or removal of any such vehicle and storage charges will be reasonable and customary charges prevailing in the city for such services.~~

~~Sec. 19-149. Right of owner to take possession of vehicle prior to sale; reimbursement of expenses.~~

~~The owner or any person having a lien upon an impounded vehicle may take possession of the same at any time prior to the sale provided for in section 19-150, but such person shall~~

~~reimburse the city for all reasonable expenses for removal, storage, advertising or other expense incurred in connection therewith.~~

~~Sec. 19-150. Sale; certificate of sale.~~

- ~~(a) If the residence or address of the owner or any person holding a lien upon an impounded vehicle cannot be ascertained, or if the owner or person holding a lien upon the vehicle fails to take possession of the vehicle within ten days after the mailing of the notice provided in section 19-147, such vehicle shall be sold at public outcry by the police department at some place within the city. A notice shall be published prior to the sale in a newspaper published in the county and circulated in the city. Publication shall be at least ten days prior to the date of sale. Such notice shall give the time and place of sale and describe the motor vehicle to be sold.~~
- ~~(b) A copy of such notice shall be mailed to the owner and each person holding a lien on such motor vehicle, if their addresses are known, at least ten days before the date of such sale.~~
- ~~(c) The city shall not guarantee title to such vehicle or to deliver a title of ownership, but shall furnish the purchaser a certificate in substantially the following form:~~

~~Certificate No.~~

~~CERTIFICATE OF SALE~~

~~Riviera Beach Police Department, Riviera Beach, Florida.~~

~~THIS IS TO CERTIFY that the following described motor vehicle was abandoned on the public highway of Riviera Beach, Florida, and was placed in the custody of the police department, where it was held for 20 days, after which time, having been impossible to find the owner of the same, or if found, such owner failed to repossess same, this motor vehicle was sold to the highest bidder after legal advertisement.~~

~~This certificate of sale is therefore issued to:~~

~~_____ residing at~~

~~Make:~~

~~Year:~~

~~Engine No.~~

~~Identification No.~~

~~Chassis No.~~

~~Dated at Riviera Beach, Florida, this ____ day of _____, 19__.~~

	Title of Police Officer and Name
--	----------------------------------

- ~~(d) This form shall be in duplicate. The original shall be given to the purchaser and the duplicate bound in a book of record.~~

~~Sec. 19-151. Proceeds of sale to be deposited in the fines and forfeitures account.~~

~~If any motor vehicle shall be sold as provided in this division, the proceeds of such sale, after paying all the costs actually expended for advertising or otherwise in such sale, shall be deposited in the fine and forfeitures account.~~

~~Sec. 19-152. Proceeds not to be expended for 90 days; right of owner to proceeds upon proof of ownership.~~

~~The proceeds of any sale of an impounded vehicle paid to the fines and forfeitures account shall not be expended or disbursed for 90 days after the date of such sale. At any time during such period, the owner or any person having an interest in the motor vehicle evidenced by documentary written evidence may, upon making proof of such ownership or interest, recover back from the fines and forfeitures account the proceeds of the sale, less all the expenses incurred including removal, storage, advertising and a commission of five percent on the gross sales price of such vehicle for the cost of making such sale.~~

ARTICLE IV. BICYCLES

DIVISION 1. GENERALLY

~~Sec. 19-166. Riding on sidewalk.~~

~~It shall be unlawful for any person or persons to ride a bicycle or other nonself propelled vehicle upon the public sidewalks located within the territorial limits of the city.~~

~~Sec. 19-167. Weekly reports by vendors.~~

~~Each person engaged in the business of buying or selling new or secondhand bicycles within the city shall make a report to the chief of police each week of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof and the number of license plate, if any, found thereon.~~

DIVISION 2. LICENSES

~~Sec. 19-176. Required.~~

~~No person who resides within this city shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate is attached thereto as provided herein.~~

~~Sec. 19-177. Application; fee.~~

~~Application for a bicycle license and license plate shall be made upon a form provided by the city and shall be made to the chief of police. A fee of \$0.25 shall be paid to the city before each license or license plate is granted.~~

Sec. 19-178. Issuance; records.

- ~~(a) The chief of police upon receiving proper application therefor is authorized to issue a bicycle license which shall be permanently effective.~~
- ~~(b) The chief of police shall not issue a license for any bicycle when he knows or has reasonable grounds to believe that the applicant is not the owner of or entitled to the possession of such bicycle.~~
- ~~(c) The chief of police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected by him.~~

Sec. 19-179. Issuance; attachment; removal of license plate.

- ~~(a) The chief of police upon issuing a bicycle license shall also issue a license plate bearing the license number assigned to the bicycle and other appropriate information.~~
- ~~(b) Such license plate shall be firmly attached to the rear mudguard or frame of the bicycle for which issued in such position as to be plainly visible from the rear.~~
- ~~(c) No person shall remove a license plate from a bicycle during the period for which issued except upon a transfer of ownership or if the bicycle is dismantled and no longer operated upon any street in this city.~~

Sec. 19-180. Surrender on sale or transfer of bicycle; assignment to another bicycle.

~~Upon the sale or other transfer of a licensed bicycle, the licensee shall remove the license plate and shall either surrender it to the chief of police or may upon proper application, but without payment of additional fee, have the plate assigned to another bicycle owned by the applicant.~~

ARTICLE V. PARADES AND PROCESSIONS

Sec. 19-201. Permits required; exception.

- (a) No funeral or procession or parade containing 200 or more persons or 50 or more vehicles excepting the forces of the United States Army, Navy or Air Force, the military forces of this state and the forces of the police and fire departments shall occupy, march or proceed along any street except in accordance with a permit issued by the city manager and such other regulations as are set forth herein which may apply.
- (b) Whenever the city manager gives a permit for any parade, public gathering or celebration, he may order any street or portion of street to be cleared of all vehicles during the parade, public gathering or celebration.

Sec. 19-202. Driving in processions.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and follow the vehicle ahead as close as practical and is safe.

Sec. 19-203. Driving through processions.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

Sec. 19-204. Identification of funeral processions.

A funeral composed of a procession of vehicles shall be identified as such by lighted headlights or by the display upon the outside of each vehicle of a pennant of a type designated by the police department.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This Ordinance shall become and be made a part of the City of Riviera Beach Code of Ordinances; that the articles, divisions, and sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 6. The provisions of this Ordinance shall become effective upon adoption.

PASSED AND APPROVED on the first reading this _____ day of _____ 2024

PASSED AND ADOPTED on second and final reading this ____ day of _____ 2024.

APPROVED:

Ronnie L. Felder
Mayor

Douglas A. Lawson
Chairperson

ATTEST:

Shirley D. Lanier
Chair Pro Tem

Tawanna Smith, CMC
Certified Municipal Clerk
City Clerk

Tradrick McCoy
Councilperson

KaShamba Miller-Anderson
Councilperson

Reviewed as to Legal Sufficiency:

Dawn S. Wynn
City Attorney

Julia A. Botel, Ed. D
Councilmember

Date: _____

1ST READING

2ND & FINAL READING

MOTIONED BY: _____

MOTIONED BY: _____

SECONDED BY: _____

SECONDED BY: _____

T. MCCOY _____

T. MCCOY _____

K. MILLER-ANDERSON _____

K. MILLER-ANDERSON _____

S. LANIER _____

S. LANIER _____

J. BOTEL _____

J. BOTEL _____

D. LAWSON

D. LAWSON
