

ORDINANCE NO. 9909-26

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING CODE OF ORDINANCES, CHAPTER 30, TRAFFIC AND MOTOR VEHICLES; ALLOWING PAYMENT THROUGH MOBILE PLATFORMS; ALLOWING DIGITAL PARKING PERMITS; CLARIFYING CONTINUOUS PARKING PERIOD REQUIREMENTS; ALLOWING PHONE AND EMAIL RESPONSE TO PARKING TICKETS; REQUIRING AN ORIGINAL AFFIDAVIT OR PLEA TO CONTEST PARKING TICKETS; INCREASING THE PENALTIES FOR PARKING FINES; CREATING MOBILE PAYMENT PARKING ZONES AND ELIMINATING THE REQUIREMENT TO DISPLAY PARKING RECEIPTS; AMENDING APPENDIX A – SCHEDULE OF FEES, RATES AND CHARGES, ARTICLE XIX STREETS, SIDEWALKS, OTHER PUBLIC PLACES SECTIONS (4)-(5) INCREASING ADMINISTRATIVE FEES AND INCREASING FEES FOR REMOVAL AND REINSTALLATION OF PAY STATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater owns and operates several parking facilities across the City and has recently adopted a mobile payment platform as the method of collecting payments; and

WHEREAS, the City has also implemented digital parking permits and plate scanning technology as the primary means of enforcement of parking fees; and

WHEREAS, the fines and fees related to parking have not been updated since 2005, and have not kept up with market conditions; and

WHEREAS, City staff have reviewed the fines and fees and recommend an increase to the fees in order to better reflect the cost of providing the services. An increase in the fines are recommended so that parking fines are not substantially similar in price to the market rate for parking on a private lot or garage; and

WHEREAS, after a properly noticed public hearing, the City Council determines that the adoption of this Ordinance is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

SECTION 1: That City of Clearwater Code Section 30.040 be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

"Sec. 30.040. - Parking in revenue generating city parking lots, garages and other city property.

(1) It is unlawful for any person to remove a vehicle from any city owned or operated parking lot, garage or property after the person shall have parked thereon without first paying the attendant, ~~activating an access or smart card, or~~ depositing the proper amount of money in a parking meter or multi-space parking pay station, or by submitting payment through a city-authorized mobile payment platform, or for any person to make any attempt thereof to defraud the city.

(2) It is unlawful to alter or duplicate, damage or destroy an access ~~or smart card,~~ spitter ticket, ~~multi-space parking pay station receipt,~~ permit, tag, placard or decal used for parking control issued by the parking division or to make any attempt thereof to defraud the city.

(3) No motorcycle shall enter into a parking garage or off-street parking lot which is posted "No Motorcycles."

(4) It is unlawful to stop, stand or park in city owned or operated parking lots, garages or other city properties that are reserved for hourly, daily, or monthly parking without displaying an authorized permit, purchasing a digital parking permit or submitting payment at a parking meter, multi-space pay station, or through the city-authorized mobile payment platform. ~~properly displaying appropriate documentation of payment for parking privileges for the current period (hangtag, decal, placard, multi-space parking pay station receipt, etc.).~~"

SECTION 2. That City of Clearwater Code Section 30.043 be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

"Sec. 30.043. - Placement of motor vehicle in parking space.

(1) Any motor vehicle parked in any parking space in any publicly owned or operated parking lot or publicly owned parking garage, or any painted on-street parking spaces, shall be parked within the designated lines marked on the pavement, curb, or ground for such parking space ~~so as not to occupy more than a single parking space.~~ Each space shall be limited to no more than one motor vehicle per parking space and the vehicle must not occupy more than one space.

(2) No truck, tractor truck or trailer shall occupy more than one parking space where designated, except while actively loading or unloading and while all meters used have been properly activated and/or when proper parking permits and/or multi-space parking pay station transactions have been completed and/or the mobile payment platform has been used to complete the transaction for each occupied space. ~~or multi-space parking pay station receipt(s) have been obtained and are displayed or except in cases of emergency.~~

(3) When an authorized section of pavement is marked with cross-hatched pavement markings or otherwise indicating a safety zone it shall be a violation for any

person to stop, stand or park any motor vehicle in such safety zone, unless specifically indicated otherwise by the sign."

SECTION 3: That City of Clearwater Code Section 30.045 be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

"Sec. 30.045. - Handicapped parking spaces.

(1) No person shall stop, stand or park a vehicle within any specially designated and marked space, which is marked as provided in F.S §§ 316.1955 and 316.1956, unless such vehicle displays a parking permit issued by or recognized by the state for special handicapped parking privileges and is transporting a person eligible for the parking permit, or unless such vehicle is chauffeuring a disabled person and is making a momentary stop to load or unload such disabled person.

(2) As provided in F.S. § 316.1964 When an on-street parking meter, pay station or mobile payment parking zone restricts the duration of time that a vehicle may be parked, a vehicle properly displaying a disabled parking permit is allowed a maximum of four hours at no charge; however, the vehicle is subject to ticketing for parking in excess of any posted time limits.

(3) As provided in F.S. § 316.1964 When an off-street parking meter, pay station or mobile payment parking zone restricts the duration of time that a vehicle may be parked, a vehicle properly displaying a disabled parking permit is subject to ticketing for parking in excess of the posted time limits.

(4) Any person who violates this section shall be guilty of a noncriminal traffic infraction and subject to a fine as set forth in section 30.061."

SECTION 4: That City of Clearwater Code Section 30.045 be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

"Sec. 30.046. - Obedience to parking signs during certain hours.

(1) When signs are erected in each block or public parking lot giving notice thereof, it shall be unlawful for any person to park a motor vehicle for longer than such time as is designated by such signs.

(2) ~~The changing of the position~~ moving of a motor vehicle from one parking space to another parking space on the same block face without traveling through an intersection (not including an alley intersection) shall be deemed one continuous parking period. ~~Leaving the timed public parking lot or block for any length of time and then returning the same day will result in a continuation of the original parking session. point directly to another point within the same block or public parking lot shall be deemed to be a continuation of one parking period."~~

SECTION 5: That City of Clearwater Code Section 30.059 be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

“Sec. 30.059. - Notice of illegally parked, stopped or standing vehicle.

Whenever any motor vehicle without a driver is found parked, stopped or standing in violation of this article or any other provision of this chapter, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a parking ticket ~~in electronic format or~~ in writing on a form provided therefore, for the registered owner to pay the fine listed thereon within 15 calendar days of the date of the infraction or to answer the charge ~~against him~~ within 15 calendar days of the date of the infraction by contacting the designated parking violation processing services office by phone, mail, e-mail, or in person at the location specified on the parking ticket.”

SECTION 6: That City of Clearwater Code Section 30.060 be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

“Sec. 30.060. - Penalties/warning letter upon failure to comply with ticket.

(1) If a violator of the provisions of this article does not respond to the parking ticket affixed to the motor vehicle by paying the fine listed thereon or by contacting the designated parking violation processing services office specified on the parking ticket within a period of 15 calendar days of the date of the infraction, the designated parking violation processing services office, having jurisdiction of the subject matter shall, send the registered owner to whose vehicle the parking ticket was affixed a warning letter informing the registered owner of the violation and the fact that a penalty of \$10.00 has been assessed for the violation to cover additional administrative costs, except for fines for violations involving handicapped parking which shall remain at the amount established in section 30.061. If the fine indicated on the parking ticket is not paid within 30 days (in addition to the penalty assessed after 15 days in the preceding sentence hereof) an additional penalty of \$15.00 will be assessed for the violation to cover additional administrative costs. The designated parking violation processing services office will issue up to two additional late notices to the registered owner. After 90 days the unpaid ticket will be considered a delinquent account and will be handled through the delinquent collection services division of the designated parking violation processing services office.

(2) Pursuant to F.S. § 938.35, parking violation fines and penalties for which full payment is not received within 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 40 percent 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.

(3) Overpayments. Any overpayments of fines/penalties will only be refunded if specifically requested within 90 days of receipt of the overpayment.

(4) The designated parking violation processing services office shall supply the State of Florida Department of Highway Safety and Motor Vehicles with a magnetically encoded computer tape reel or cartridge or send by other electronic means data, which is machine readable by the installed computer system at that department, listing persons who have three or more outstanding parking violations or who have any outstanding violations of F.S. § 316.1955.

(5) Contesting a violation. Any person who wishes to contest the validity of the violation may request a court hearing by contacting the designated parking violation processing services office within 15 calendar days of the date of the infraction. A person contesting a violation must submit a notarized affidavit that states the basis for contesting the violation or sign the appropriate City-provided form for contesting a violation. Affidavits and/or forms contesting violations must be notarized or signed and submitted in person at the designated parking violation processing office. The city manager's designee may reject an affidavit or form contesting a violation that is incomplete or does not contain the proper notarization of necessary signatures and shall notify the person of the same. A copy of the parking violation must be included with the completed request form for a court hearing. Upon such request, a summons for a court appearance will be issued to confirm the time and date of the court hearing.

(6) Ticket cancellation. The city manager's designee will establish and maintain a parking ticket cancellation program. Tickets may be cancelled in lieu of court appearance and dismissal by the designee when the complainant has a valid complaint. A valid complaint may include but not be limited to an improperly written ticket, verified official city business, ambulance transport, police department undercover vehicles, or a malfunctioning meter.

(7) Ticket dismissal. The city manager's designee will establish and maintain a parking ticket dismissal program. Properly issued tickets for failure to display or properly display valid parking permits, valid multi-space parking pay station receipts, or handicap hang-tags or any other recognized permit shall be dismissed in lieu of court appearance and dismissal by the designee when the complainant can later produce valid proof of such permit or hang-tag."

SECTION 7: That City of Clearwater Code Section 30.061 be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

"Sec. 30.061. - Fines.

Any person who violates any of the provisions of this article shall be subject, upon conviction, to a fine as follows:

(1) Overtime parking, whether metered, ~~or~~ unmetered or posted with a time restriction~~\$15.00~~ \$35.00

(2) Improper parking~~20.00~~ \$40.00

(3) Double parking~~20.00~~ \$40.00

(4) No parking zone, including but not limited to parking without permit, near fireplug, in reserved space, in alley, on sidewalk, near railroad, near intersection, in driveway, loading zone, taxi stand, over curb in parkway~~20.00~~ \$40.00

(5) Motor running, no attendant~~15.00~~ \$35.00

(6) Keys in ignition~~15.00~~ \$35.00

(7) Stopping, standing, or parking a vehicle within a parking space designated for persons who have disabilities without displaying a disabled parking permit\$250.00

(8) Any other violation of this article~~20.00~~ \$40.00

(9) In addition to the other penalties provided for herein there is hereby imposed a surcharge of \$5.00 on all parking fines to be used for funding a school crossing guard program. This surcharge shall be paid by the designated parking violation processing services office into the school crossing guard trust fund, a special revenue fund maintained by the city. Funds collected from this surcharge shall be distributed quarterly to fund a school crossing guard program as authorized by Section 316.660(3), Florida Statutes.”

SECTION 8: That City of Clearwater Code Chapter 30 Division 3 title shall be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

“DIVISION 3. PARKING METERS/ PAY STATIONS / MOBILE PAYMENT PARKING ZONES / REVENUE CONTROL EQUIPMENT”

SECTION 9: That City of Clearwater Code Section 30.093 shall be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

“Sec. 30.093. - Installation of parking meters, ~~or~~ multi-space parking pay stations, and designated mobile payment parking zones; operation.

(1) When parking meters, ~~or~~ multi-space parking pay stations, designated mobile parking payment zones, or other mobile payment signs are installed, the city manager shall place such parking meters, ~~or~~ multi-space parking pay stations, or mobile payment signage in appropriate locations relative to each the parking spaces. ~~Each parking meter or multi-space parking pay station shall be so set as to show or display a signal that the lawful parking period has expired or provide a printed receipt displaying expiry of paid for time.~~

(2) The city manager shall provide for the regulation, control, operation and use of the parking meters, ~~or~~ multi-space parking pay stations, and designated mobile payment parking zones provided for in this section and shall maintain such meters, ~~or~~ multi-space parking pay stations, or mobile payment parking zone signage in good workable condition. ~~Each parking meter or multi-space parking pay station shall be so set as to display a signal or dispense a printed receipt showing legal parking upon the deposit of~~

~~coins or currency of the United States, use of a City of Clearwater pre-paid parking card, credit/debit cards or any authorized type of payment therein for a period of time conforming to the parking limit established by the city manager for the area where such meter is placed."~~

SECTION 10: That City of Clearwater Code Section 30.094 shall be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

"Sec. 30.094. - Fees and time limits designated by city manager.

The city manager is authorized to designate fees and time limits for parking at any city owned or operated parking lot, garage or other property and to designate the denomination of United States coins or currency, use of City authorized mobile payment platform, ~~use of City of Clearwater pre-paid parking cards, credit/debit cards or any authorized type of payment which may be deposited or inserted therein for the purpose of obtaining legal parking for such period of time so designated."~~

SECTION 11: That City of Clearwater Code Section 30.095 shall be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

"Sec. 30.095. - Use of meter/multi-space parking pay station, or mobile payment parking zones, and parking space.

(1) When any vehicle shall be parked, pursuant to this division, in any space alongside of, next to, or in proximity to a parking meter/multi-space parking pay station, or designated mobile payment parking zone, the owner, operator, manager, or driver of such vehicle ~~shall~~, immediately after entering the parking space, shall deposit the proper coins or currency of the United States, ~~City of Clearwater pre-paid parking cards, credit/debit cards or any authorized type of payment in the parking meter/multi-space parking pay station alongside of, next to, or in proximity to the parking space or shall submit payment through the city authorized mobile payment platform. and shall set the meter/multi-space parking pay station in accordance with all posted instructions thereon including, but not limited to, prominently displaying any dispensed parking receipt(s) where indicated.~~ The parking space may then be used by such vehicle during the parking limit provided for the area.

(2) Any vehicle parked in any parking space ~~in any parking meter zone~~ shall be positioned in the manner provided in section 30.041."

SECTION 12: That City of Clearwater Code Section 30.096 shall be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

"Sec. 30.096. - Overtime parking.

(1) If any vehicle remains parked in any parking space when the parking meter/multi-space parking station, or mobile payment platform indicates the expiry of paid for time, then such vehicle shall be considered as parked overtime and such act is unlawful.

~~(2) At multi-space parking lots, a failure to prominently display the parking receipt dispensed by the parking pay station in the manner instructed is unlawful and the vehicle shall be deemed as parked overtime.~~

(32) It is unlawful for the operator of a vehicle to stop, park or leave standing a vehicle on a city owned or operated parking lot, garage or other property, using meters, multi-space parking pay stations, a designated mobile payment parking zone, gates, permits, or time limits for revenue and access control, for a period longer than 72 hours without first making arrangements in advance with the parking division.”

SECTION 13: That City of Clearwater Code Section 30.097 shall be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

“Sec. 30.097. - Extending parking beyond legal time.

It shall be unlawful for any person to submit payment on a mobile payment platform, deposit or cause to be deposited in a parking meter/multi-space parking pay station a coin, currency, ~~City of Clearwater pre-paid parking cards~~, credit/debit cards or any authorized type of payment for the purpose of extending the parking time beyond the legal time fixed for parking in the parking space alongside of, next to, or in proximity to where such parking meter/multi-space parking pay station or mobile payment parking zone signage is placed.”

SECTION 14: That City of Clearwater Code Section 30.098 shall be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

“Sec. 30.098. - Defacing, tampering with, etc.

It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter, multi-space parking pay station, mobile payment parking zone signage, or revenue control equipment installed on any city owned or operated parking lot, garage or other property pursuant to the terms of this division.”

SECTION 15: That City of Clearwater Code Section 30.099 shall be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

“Sec. 30.099. - Use of substitutes for payment.

It shall be unlawful for any person to deposit or cause to be deposited in any parking meter/multi-space parking pay station or change maker on any city owned or operated parking lot, garage or other property, any slug, device or substitute for a coin or currency of the United States, ~~City of Clearwater pre-paid parking card~~, credit/debit card or any authorized type of payment."

SECTION 16: That City of Clearwater Code Section 30.100 shall be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

"Sec. 30.100. - Disposition of parking fees.

The coins, United States currency, ~~City of Clearwater pre-paid parking card~~, credit/debit card or any authorized type of payment, deposited as provided in this division shall be utilized in the manner provided by the parking system bond ordinance, and until such bonds have been satisfied or otherwise redeemed."

SECTION 17: That City of Clearwater Code, Appendix A, Schedule of Fees, Article XIX, Sections (4)-(5) shall be amended with the following strikethrough language to be deleted and the underlined language to be added to the City Code:

"(4) Use of any revenue generating/timed/designated public parking spaces (i.e. metered, permitted, cashiered, loading zone, designated, etc.):

(a)Beach - Spaces (per day, everyday)—Highest current City of Clearwater municipal daily beach rate

Plus tax if applicable

Downtown - Spaces (per day, Monday—Friday)—Highest current City of Clearwater municipal daily downtown rate

Plus tax if applicable

(b) Administrative fees: The parking system shall charge an administrative service fee for all parking space rental requests including valet ramp/valet storage rentals. The fee schedule is as follows:

1. ~~\$20.00~~ 30.00 administrative fee assessed for any parking space rental of five spaces or less.

2. ~~\$30.00~~ 50.00 administrative fee assessed for any parking space rental of six to ten spaces.

3. ~~\$50.00~~ 75.00 administrative fee assessed for any parking space rental of 11 spaces or more.

(5) Parking space/meter removal - permanent and temporary:

(a)Permanent loss of a parking space as a result of construction on adjacent property causing elimination of any revenue generating/timed/designated public parking

spaces (i.e., metered, permitted, cashiered, loading zones, designated parking, etc.) or loading zones. Fee is based on loss of revenue for period of two years based on daily amounts listed in number four above. Fee for removal of loading zone will be treated the same as the loss of an adjacent metered parking space.

(b) Temporary removal of parking meter/multi-space parking pay stations:

1. The fee for the removal of a parking meter/multi-space pay station and ~~post bollards~~ shall be ~~\$50.00~~ \$200.00 per ~~meter~~ pay station ~~post~~.

2. The fee for re-installation of a parking meter/multi-space pay station and ~~post bollards~~ shall be ~~\$50.00~~ \$200.00 per ~~meter post~~ pay station.

Payment in full shall be paid to the City of Clearwater Parking System in advance at a rate of ~~\$100.00~~ \$400.00 per ~~meter post~~ multi-space pay station."

SECTION 18: Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 19: This Ordinance shall become effective upon the adoption by City Council.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Bruce Rector,
Mayor

Approved as to form:

Attest:

Jerrold Simpson
Senior Assistant City Attorney

Rosemarie Call
City Clerk