

**NAPLES CITY COUNCIL AGENDA MEMORANDUM**

**Regular Meeting Date: August 21, 2013**

Agenda Section: Regular	Prepared By: Roger Reinke, Assistant City Manager Department: City Manager
Agenda Item: 31	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>

**SUBJECT:**

First Reading of an Ordinance relating to Parking and amending the Code of Ordinances.

**SUMMARY:**

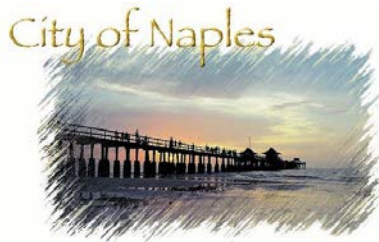
City Council is asked to declare First Reading of an Ordinance relating to Parking Regulations; amending Sections 36-61, 36-63, 36-66 (a) (2), deleting Section 36-67 and amending Section 36-69 of Division 1, Article III, Chapter 36; adding Section 36-90, deleting Sections 36-97 and 36-98, amending Sections 36-100, 36-101, 36-102, 36-103, 36-104, 36-105, 36-106, adding Sections 36-107, 36-108, 36-109, 36-110, 36-111, 36-112 and 36-113 of Division 2, Article III, Chapter 36; deleting Section 36-131, amending Sections 36-132 and 133 and deleting Section 36-134 of Division 3, Article III, Chapter 36; amending Sections 36-162 (a) (1), 36-163, and 36-164 of Article IV, Chapter 36 of the Code of Ordinances, to update parking regulations in the City and schedule Second Reading and Public Hearing on September 4, 2013.

**BACKGROUND:**

City parking codes have not been substantially revised since 1994. Staff conducted a broad review and received direction from City Council on June 12, 2013 to proceed with the changes included in the Ordinance as presented. Feedback from the Fifth Avenue South Business Improvement District (BID) and others was presented in June. This matter was also discussed by City Council on February 20, 2013 and has been reviewed by the police department and beach parking enforcement specialists.

A summary of the proposed changes are presented below:

1. Incorporate state parking regulations and definitions into City code. This provides for uniformity and efficiency in enforcement. Naples parking enforcement officers currently do not have an efficient mechanism to enforce state parking violations. City parking citations have been modified to include these violations. State law provides that parking regulations shall be uniform throughout the state; however, local authorities may regulate or prohibit stopping, standing, or parking on streets and highways under their jurisdiction within the reasonable exercise of police power. State laws incorporated include:
  - a. Owner's liability for parking violations;
  - b. Definitions;
  - c. Prohibit double parking;
  - d. Prohibit parking on or within 15' of a crosswalk unless a designated space is provided;
  - e. Prohibit parking within 15' of a fire hydrant;
  - f. Prohibit parking in the wrong direction;
  - g. Enforcement of parking requirements for persons who have disabilities.
2. A new section prohibiting parking on certain parts of Crayton Road as discussed by Council on February 20, 2013 has been added. This section is patterned after the current section prohibiting parking on certain parts of Gulf Shore Boulevard.



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**BACKGROUND (cont.):**

- 3. Sections deleted as recommended by staff and directed by Council on February 20, 2013:
  - a. Time limits between 2:00 a.m. and 6:00 p.m.;
  - b. Hazardous or congested places.
  
- 4. Fines are increased. It is recommended that fines be increased at the time the ordinance is amended. The recommended increase is from \$30 to \$35, \$40 to \$45 dollars for a citation not paid within 10 days, and \$50 to \$100 if not paid within 60 days.
  - a. Fines have not been increased since 2009.
  - b. Increasing the past due and maximum fine is intended to incentivize quick payment.
  - c. Fines in other area jurisdictions are:
    - i. Marco Island - \$95.
    - ii. Collier County - \$30, increasing to \$35 if not paid.
    - iii. Sanibel - \$45, increasing to \$60 after 10 days.
    - iv. Ft. Myers Beach - \$25 or \$50 depending on violation, \$40 or \$60 after 72 hours.
    - v. Ft. Myers - \$15 or \$50 depending on violation, \$20 or \$60 after 72 hours.
    - vi. Lee County - \$32, maximum of \$100
  
- 5. Other changes.
  - a. Penalty and definition sections were consolidated.
  - b. A section was added authorizing the City Manager to adopt policies to provide for release of citations without payment when in the best interest of the city or when a citation is issued in error, and adjust past due amounts to facilitate the process of collecting unpaid citations.
  - c. Text was added as needed to clarify the code.
  
- 6. The Ordinance will take effect October 1, 2013.

**RECOMMENDED ACTION:**

Declare First Reading of an Ordinance relating to Parking Regulations; amending Sections 36-61, 36-63, 36-66 (a) (2), deleting Section 36-67 and amending Section 36-69 of Division 1, Article III, Chapter 36; adding Section 36-90, deleting Sections 36-97 and 36-98, amending Sections 36-100, 36-101, 36-102, 36-103, 36-104, 36-105, 36-106, adding Sections 36-107, 36-108, 36-109, 36-110, 36-111, 36-112 and 36-113 of Division 2, Article III, Chapter 36; deleting Section 36-131, amending Sections 36-132 and 133 and deleting Section 36-134 of Division 3, Article III, Chapter 36; amending Sections 36-162 (a) (1), 36-163, and 36-164 of Article IV, Chapter 36 of the Code of Ordinances, to update parking regulations in the City and schedule Second Reading and Public Hearing on September 4, 2013.

Reviewed by Department Director  
Roger Reinke, Assistant City Manager

Reviewed by Finance  
N/A

Reviewed by City Manager  
A. William Moss

City Council Action:

**ORDINANCE 13-**

**AN ORDINANCE RELATING TO PARKING; AMENDING SECTIONS 36-61, 36-63, 36-66 (a) (2), DELETING SECTION 36-67, AND RENUMBERING SECTION 36-68 TO 36-67 OF DIVISION 1, ARTICLE III, CHAPTER 36; CREATING SECTION 36-90, DELETING SECTIONS 36-97 AND 36-98, RENUMBERING SECTION 36-99 TO 36-97, AND AMENDING SAID SECTIONS, CREATING NEW SECTIONS 36-98, 36-99, 36-100, 36-101, AND 36-102, RENUMBERING SECTION 36-101 TO SECTION 36-103, RENUMBERING SECTIONS 36-102 AND 36-103 TO SECTIONS 36-104 AND 36-105 RESPECTIVELY AND AMENDING SAID SECTIONS; RENUMBERING SECTION 36-104 TO SECTION 36-106; RENUMBERING SECTION 36-105 TO SECTION 36-107 AND AMENDING SAID SECTION; RENUMBERING SECTION 36-106 TO SECTION 36-108, CREATING NEW SECTIONS, 36-109 AND 36-110, OF DIVISION 2, ARTICLE III, CHAPTER 36; DELETING SECTION 36-131, RENUMBERING SECTION 36-132 AND 36-133 RESPECTIVELY TO SECTION 36-131 AND 36-132, AND DELETING SECTION 36-134 OF DIVISION 3, ARTICLE III, CHAPTER 36; AMENDING SECTIONS 36-162, 36-163, AND 36-164 OF ARTICLE IV, CHAPTER 36 OF THE CODE OF ORDINANCES, CITY OF NAPLES; TO UPDATE PARKING REGULATIONS IN THE CITY; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION; A CODIFICATION PROVISION; AND AN EFFECTIVE DATE.**

**WHEREAS,** parking regulations in the City of Naples have not been substantially revised since 1994; and

**WHEREAS,** it is the desire of City Council to update the parking regulations in the City of Naples;

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

**Section 1.** That Division 1, Generally, of Article III, Stopping, Standing and Parking, of Chapter 36, Traffic and Vehicles, of the Code of Ordinances, City of Naples, is hereby amended to read as follows, with underlining indicating additions and ~~strikethrough~~ indicating deletions:

**Sec. 36-61. Purpose; incorporation; intent; applicability; definitions; penalty.**

- (a) The purpose of this article is to regulate stopping, standing and parking within the city.
- (b) The city hereby incorporates as city ordinances all general laws of the state pertaining to stopping, standing and parking including specifically, but without limitation, those set out in chapter 316 and those enforcement remedies and

penalties set out in chapter 318, Florida Statutes except as otherwise provided herein.

(c) All provisions contained in this article are supplemental to state law and are intended to be consistent with state law and with the authority of municipal governments to adopt as supplemental provisions of state law and other provisions not in conflict with state law.

(d) All definitions pertaining to this article that are defined in state law concerning stopping, standing and parking, including specifically, but without limitation, those set out in chapter 316 and 318, Florida Statutes, are incorporated in this article and shall be construed in this article in the same manner as in state law.

The following words, terms and phrases, when used in this Article , shall have the meanings respectively ascribed to them in Chapter 36 except where the context otherwise requires:

(1) *Designated parking space* means an area in the right-of-way designated for parking by signs, striping, curbing, or other approved method.

(2) *Fire lane* means an access way marked with approved signs or other approved notice.

(3) *Landscaped right-of-way* means that portion of the right-of-way that is not occupied by a street or sidewalk.

(4) *Parking enforcement officer* means the police chief, any city police officer, any beach patrol specialist, any code enforcement officer and any other designee of the city manager.

(5) *Parking meter* means a device that registers the amount of time purchased for the parking of a vehicle, at the expiration of which the owner or driver is liable for a fine. The device may be an individual space meter or a multiple space master meter.

(6) *Parking violation citation* or *parking ticket* means a written notice containing a charge of a violation of this article, any other provision of this code, or general law, regulating parking and containing instructions for payment of a fine and for contesting the charge.

(7) *Regularly or periodically utilized for dwelling purposes* means the preparation or serving of any meals involving the cooking of foods or the use of a vehicle for office or business headquarters or human habitation.

(8) *Right-of-way* means a public right-of-way, public easement, highway, street, bridge, roadway, or alley for which the city is the authority that

has jurisdiction and control and may lawfully grant access pursuant to applicable law, and includes the ground surface, the air space over the ground surface and the area below the ground surface. Right-of-way also means a strip of land dedicated as an easement or deeded in fee simple ownership to the public and accepted by the city, with such land being occupies or intended to be occupied by a street, driveway, access road, crosswalk, railroad, electric power line, oil or gas pipeline, street sign, street light, traffic signal, storm drainage system, water main, sanitary or storm sewer main, sidewalk, bicycle path, shared use path, or any similar conventional or special use or public infrastructure and facilities. Right-of-way shall not include private property with the exception of public easements.

~~(e)~~(a) Any person violating any provision of this article and article IV of this chapter as listed in this section shall be charged with a non-criminal violation and shall be fined, as a civil penalty, as follows:

(1) \$250.00 for violation of section 36-100. All fines received from penalties for this violation shall be deposited in a separate municipal account to be used in the following manner:

handicapped parking violations.

b. 2/3 to be used to provide funds to improve accessibility and equal opportunity to qualified and physically disabled persons and to provide funds to conduct public awareness programs in the city.

(2) \$100.00 ~~\$30.00~~ for violation of any other section of this article; however:

a. if payment is made within ten days of the date of violation, the fine is reduced to \$35.00;

~~(3)~~ b. If payment is made after ten days of the date of violation but prior to 60 days of the date of violation, the fine fee is ~~increased to~~ reduced to \$40 ~~\$45.00;~~ and the fee is increased to \$50.00 if payment is made more than 60 days after the date of violation.

(3) If a person contests the violation, the option of paying under paragraphs (2) a. and b. above is waived, and the fine shall be \$100.00.

~~(b)~~(4) A surcharge of \$2.00 will be added on all parking fines for the sole purpose of funding the school crossing guard program, in accordance with F.S. § 318.21(11)a. The proceeds from the school crossing guard trust fund will be established in accordance with F.S. § 318.21(11)b, for the purpose of this surcharge.

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- (f) The owner of a vehicle is responsible and liable for payment of any parking violation unless the owner can furnish evidence that the vehicle was, at the time of the parking violation, in the care, custody or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the city manager an affidavit setting forth the name and address of the person or company who leased, rented or otherwise had the care, custody or control of the vehicle. The affidavit submitted under this subsection is admissible in a proceeding charging a parking ticket violation and raises the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking violation citation. The owner of a vehicle is not responsible for parking violation citations if the vehicle was, at the time, stolen or in the care, custody or control of some person who did not have permission of the owner to use the vehicle. The owner of a leased vehicle is not responsible for a parking violation citation and is not required to submit an affidavit or the other evidence specified in this section, if the vehicle is registered in the name of the person who leased the vehicle.
- (g) Any person who is issued a city parking violation citation by a parking enforcement officer shall comply with the directions on the citation. If payment is not received or a response to the citation is not made within the time period specified thereon, the city manager or other designated official, shall notify the registered owner of the vehicle that was cited, or the registered lessee when the cited vehicle is registered in the name of the person who leased the vehicle, by mail to the address given on the motor vehicle registration, of the citation. Mailing the notice to this address constitutes notification. Upon notification, the registered owner or registered lessee shall comply.
- (h) The city manager shall adopt policies concerning release of citations without payment for just cause when in the best interest of the city or when a citation is issued in error, and to make adjustments of past due amounts to facilitate the process of collecting unpaid citations.
- (i) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions of the citation set out in (2) a. and b. above. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and upon finding that the violation has occurred, shall impose the applicable fine in this section as a civil penalty, plus court or hearing costs, and the surcharge in this section. Any person who fails to pay the civil penalty within the time allowed by the city manager, a designated official, or court, is deemed to have been convicted of a parking ticket violation, and the city manager, designated official or court shall take appropriate measures to enforce collection of the fine.
- (j) Except as otherwise provided in this section, or general law, all money received by the clerk of the county court as a result of parking citations issued by the city shall be paid to the city as provided by general law.

- (k) At any hearing of the case involving illegal parking in which the owner of said vehicle is being tried under this article, it shall be sufficient evidence upon which the court may rely to establish the name of the registered owner of such vehicle if a parking enforcement officer shall state under oath that the officer has made inquiry of the department of highway safety and motor vehicles or office of the county tax collector and has been advised by them of the identity of such registered owner. Otherwise, the court may defer the final determination of such case until a certified record or appropriate certificate can be obtained from the office of the department of highway safety and motor vehicles or the county tax collector's office indicating the registered owner of the vehicle on the date in question.

**Sec. 36-63. Posting and removal of signs.**

The city manager is authorized to direct the posting or removal of signs restricting or regulating parking on the rights-of-way of the city and in city-owned parking garages and city-owned parking lots. The city manager may only exercise this authority after taking into consideration the traffic and parking requirements relating to the area proposed for regulation and shall take into consideration:

- (1) The needs of the adjoining property owners;
- (2) Whether the area is residential or commercial;
- (3) The particular parking restriction proposed; and
- (4) Such other factors that the city manager may be directed to consider by the city council.

**Sec. 36-66. Impoundment.**

- (a) The police chief or any police officer is authorized to provide for the removal of a vehicle to a vehicle storage lot or other place designated by the police chief found unattended in the following instances:
- (1) Where such vehicle constitutes an obstruction of traffic;
  - (2) Where such vehicle has been parked or stored on the public right-of-way or on a city-owned parking lot or city-owned parking garage for a period exceeding 48 hours, ~~in other than designated parking areas~~ without the permission of the city manager;
  - (3) Where such vehicle has been involved in an accident and the driver is unable to remove the vehicle;

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- (4) When the driver of a vehicle is taken into custody by the police department and the vehicle would thereby be left unattended upon a street;
  - (5) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason; and
  - (6) Where a vehicle is parked in violation of this chapter.
- (b) If a vehicle is removed pursuant to this section, the registered owner will be notified in writing that the vehicle was towed and the location of the storage area. An inventory receipt will be suitable for this purpose. The notification will be sent to the address on record with the state department of highway safety and motor vehicles.
- (c) The police department will provide the state department of highway safety and motor vehicles with a full description of the towed vehicle within 24 hours of impoundment. This information will be made available to the applicable storage area upon their request.
- (d) No vehicle impounded in an authorized storage area pursuant to this section shall be released therefrom until the charges for towing the vehicle into the storage area and storage charges have been paid. The charge for the towing or removal of any impounded vehicle and storage charges shall be fixed by the city manager, which charges are to be based upon the actual cost of the removal and storage of the vehicle, as may be set forth in the city's contract with the authorized towing service.

**~~Sec. 36-67. Limitation on parking in nonmetered off-street parking area.~~**

~~A 2-hour parking limit is established for those areas designated as nonmetered off-street parking areas in the city.~~

**Sec. 36-678. - Valet parking.**

Valet parking that uses a portion of the public right-of-way for pick-up or drop-off, or that uses the public right-of-way to transport vehicles to the parking area, shall comply with Section 17: On Street Parking and Valet Parking, of the Public Right-of-Way Construction Standards Ordinance and Handbook. Violation of the provisions contained in that ordinance constitutes a violation of this division.

**Secs. 36-689—36-90 89. Reserved.**



**Section 2.** That Division 2, Prohibited Parking, of Article III, Stopping, Standing and Parking, of Chapter 36, Traffic and Vehicles, of the Code of Ordinances, City of Naples, is hereby amended to read as follows, with underlining indicating additions and ~~strikethrough~~ indicating deletions:

**Sec. 36-90. Prohibited parking.**

Except when necessary to avoid conflict with other traffic, or in compliance with law or the direction of a law enforcement officer or official traffic control device, no person shall:

- (a) Stop, stand or park a vehicle:
  - (1) Upon a street in such a manner or under such conditions as to obstruct or interfere with the free movement of traffic;
  - (2) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (3) Within an intersection, except where designated parking spaces are provided;
  - (4) On a crosswalk;
  - (5) Alongside or opposite any street excavation, or obstruction when stopping, standing or parking would obstruct traffic;
  - (6) Upon any bridge or other elevated structure upon a highway, where parking is not provided for;
  - (7) Between a safety zone and the adjacent curb or within 30 feet of points marked on the curb immediately opposite the ends of a safety zone, unless the city manager or the state department of transportation indicates a different length by signs or marking;
  - (8) In the median area between traffic lanes, except where designated parking spaces are provided;
  - (9) At any place where prohibited by an official sign.
- (b) 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 15 feet of a fire hydrant;

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- (3) Within 20 feet of a crosswalk at an intersection, except where designated parking spaces are provided;
- (4) Within 30 feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway, except where designated parking spaces are provided;
- (5) On any roadway pavement maintained by the city on other than duly designated parking lanes, or as provided in Section 36-93.
- (6) At any place where official signs prohibit or restrict parking, or in excess of time periods authorized by such signs;
- (7) Across the delineated boundaries of a designated public parking place on the public right-of-way or city parking lot;
- (8) Within 20 feet of a driveway entrance to any fire station and on the side of a street or highway opposite the entrance to any fire station within 75 feet of said entrance;

**~~Sec. 36-97. Time limits between 2:00 a.m. and 6:00 p.m.~~**

~~Where signs are erected in each block giving notice thereof, no person shall park a vehicle on any street for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 6:00 p.m. of any day, except physicians on emergency calls.~~

**~~Sec. 36-98. Hazardous or congested places.~~**

~~Where 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. 36-997. - Fire lanes.**

No person shall stop, stand or park a vehicle in any area designated as a fire lane, except for the purpose of loading or unloading disabled passengers.

**Sec. 36-10098. Disabled person parking spaces Enforcement of parking requirements for persons who have disabilities.**

~~No person shall stop, stand or park a vehicle within any parking space specially designated and marked for disabled persons, except those persons so authorized under F.S. § 320.0848.~~

- (a) It is unlawful for any person to stop, stand, or park a vehicle within, or to obstruct, any such specially designated and marked parking space provided in accordance with s. 553.5041, Florida Statutes unless the vehicle displays

a disabled parking permit issued under s. 316.1958 or s. 320.0848 or a license plate issued under s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845, and the vehicle is transporting the person to whom the displayed permit is issued. The violation may not be dismissed for failure of the marking on the parking space to comply with s. 553.5041 if the space is in general compliance and is clearly distinguishable as a designated accessible parking space for people who have disabilities. Only a warning may be issued for unlawfully parking in a space designated for persons with disabilities if there is no above-grade sign as provided in s. 553.5041.

- (1) Whenever a parking enforcement officer, or the owner or lessee of the space finds a vehicle in violation of this subsection, that officer, owner, or lessor shall have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever any vehicle is removed under this section to a storage lot, garage, or other safe parking space, the cost of the removal and parking constitutes a lien against the vehicle.
  - (2) The officer shall charge the operator or other person in charge of the vehicle with a violation of this section. The owner of a leased vehicle is not responsible for a violation of this section if the vehicle is registered in the name of the lessee.
  - (3) All convictions for violations of this section must be reported to the Department of Highway Safety and Motor Vehicles.
  - (4) A parking enforcement officer has the right to demand to be shown the person's disabled parking permit and driver's license or state identification card when investigating the possibility of a violation of this section. If such a request is refused, the person in charge of the vehicle may be charged with resisting an officer without violence, as provided in s. 843.02.
- (b) It is unlawful for any person to obstruct the path of travel to an accessible parking space, curb cut, or access aisle by standing or parking a vehicle within any such designated area. The violator is subject to the same penalties as are imposed for illegally parking in a space that is designated as an accessible parking space for persons who have disabilities.
- (c) Any person who is chauffeuring a person who has a disability is allowed, without need for a disabled parking permit or a special license plate, to stand

temporarily in any such parking space, for the purpose of loading or unloading the person who has a disability. A penalty may not be imposed upon the driver for such temporary standing.

- (d) (1) A vehicle that is transporting a person who has a disability and that has been granted a permit under s. 320.0848(1)(a), Florida Statutes, may be parked for a maximum of 30 minutes in any parking space reserved for persons who have disabilities.
- (2) Notwithstanding paragraph (d) (1), a theme park or an entertainment complex as defined in s. 509.013(9), Florida Statutes which provides parking in designated areas for persons who have disabilities, may allow any vehicle that is transporting a person who has a disability to remain parked in a space reserved for persons who have disabilities throughout the period the theme park is open to the public for that day.

**Sec. 36-99. Out-of-state vehicles bearing identification of issuance to persons who have disabilities.**

Motor vehicles displaying a special license plate or parking permit issued to a person who has a disability by any other state or district subject to the laws of the United States or by a foreign country that issues disabled parking permits that display the international symbol of accessibility are recognized as displaying a valid license plate or permit, that allows such a vehicle special parking privileges under s. 316.1955, Florida Statutes and Section 36-100 of this code, if the other state or district grants reciprocal recognition for residents of this state who have disabilities. However, when an individual is required by law to have a Florida driver's license or a Florida vehicle registration, a special motor vehicle license plate or parking permit issued by another state, district, or country to persons who have disabilities is not valid and the individual whose vehicle displays such an invalid plate or permit is subject to the same penalty as an individual whose vehicle does not display a valid plate or permit. A parking enforcement officer may not ticket a vehicle for a violation of s. 316.1955, Florida Statutes, or this code, without first determining whether the vehicle is transporting a resident of another state who is the owner of the out-of-state placard.

**Sec. 36-100. Handicapped parking enforcement.**

The provisions of handicapped parking shall be enforced whether on public or private property in the same manner as is used to enforce other parking laws and ordinances within the city.

**Sec. 36-101. Exemption of vehicles transporting certain persons who have disabilities from payment of parking fees and penalties.**

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- (a) A fee shall not be charged for parking on the public streets or highways or in any metered parking space from the driver of a vehicle that displays a disabled parking permit or a license plate issued under s. 316.1958 or s. 320.0848 or a license plate issued under s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845, Florida Statutes, if the vehicle is transporting the person who has a disability and to whom the disabled parking permit or license plate was issued.
- (b) The driver of a vehicle that is parked as provided in subsection (a) may not be penalized for parking, except in clearly defined bus loading zones, fire lanes, or access aisles adjacent to the parking spaces for persons who have disabilities, or in areas posted as "No Parking" zones or as emergency vehicle zones, or for parking in excess of the posted time limits.
- (c) Notwithstanding subsection (a), when a state, county, or municipal parking facility or lot is being used in connection with an event at a convention center, cruise-port terminal, sports stadium, sports arena, coliseum, or auditorium, the parking facility may charge a person whose vehicle displays such a parking permit a parking fee in the same manner and amount as it charges other persons.
- (d) A parking facility that restricts the number of consecutive days that a vehicle may be parked may impose that same restriction on a vehicle that displays a disabled parking permit issued to a person who has a disability.
- (e) Notwithstanding subsection (a), when an on-street parking meter restricts the duration of time that a vehicle may be parked, a vehicle properly displaying a disabled parking permit is allowed a maximum of 4 hours at no charge.
- (f) A parking facility that leases a parking space for a duration that exceeds 1 week is not required to reduce the fee for a lessee who is disabled.
- (g) An airport that owns, operates, or leases parking facilities, or any other parking facilities that are used for the purpose of air travel, may charge for parking vehicles that display a disabled parking permit or license tag issued under s. 316.1958, s. 320.084, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848, Florida Statutes. However, the governing body of each publicly owned or publicly operated airport must grant free parking to any vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls, or for utilization by a person who has a disability or whose vehicle is displaying the Florida Toll Exemption permit.

- (h) Notwithstanding subsection (a), the city may charge for parking in a facility or lot that provides timed parking spaces for any vehicle that displays a disabled parking permit, except that any vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability, or any vehicle that is displaying the Florida Toll Exemption permit, is exempt from any parking fees.

**Sec. 36-102. Parking violations; designated parking spaces for persons who have disabilities.**

When evidence is presented in any court of the fact that any motor vehicle was parked in a properly designated parking space for persons who have disabilities in violation of Section 36-98 of this code, it is prima facie evidence that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the department.

**Sec. 36-1043. Parking on certain streets and places between 11:00 p.m. and 5:00 a.m.**

- (a) No person shall park a vehicle on any east-west avenue west of Gulf Shore Boulevard between 20th Avenue South and 8th Avenue North, on 32nd Avenue South and 33rd Avenue South west of Gordon Drive, on Vedado Way, Via Miramar, or Horizon Way, on 12th Avenue South west of 2nd Street South or in the city pier parking lot on the southeast corner of 12th Avenue South and Gulf Shore Boulevard between the hours of 11:00 p.m. and 5:00 a.m. Exempted from this section is 8th Avenue North.
- (b) Any vehicle parked in violation of this section and left unattended is declared to be a public nuisance and the police department is directed to have such vehicle towed away in accordance with section 36-66. Parking in Lowdermilk Park shall be prohibited as posted.

**Sec. 36-1024. Certain parts of Gulf Shore Boulevard and Crayton Road.**

- (a) No person shall park a vehicle at any time on Gulf Shore Boulevard between 20th Avenue South and 8th Avenue North (Golf Drive).
- (b) No person shall park a vehicle at any time on Crayton Road between Banyan Boulevard and Seagate Drive.
- (~~b~~ c) Any vehicle parked in violation of this section and left unattended is declared to be a public nuisance, and the police department is directed to have such vehicle towed away in accordance with section 36-66.

**Sec. 36-1035. Permit parking in city-owned parking lots or garages, permits for launching of vessels, and permits for loading and off-loading construction material at Naples Landing Park.**

- (a) No person shall park a vehicle at any time in a parking space in a city-owned parking lot or garage which is marked "permit parking only," unless a current parking permit from the city is in force for that vehicle, and such vehicle prominently displays a current city permit parking sticker.
- (b) The city will make available for sale annual parking permits, vessel launching permits, and permits for loading and off-loading of construction material for use exclusively at Naples Landing Park, allowing parking at designated spaces for holders of current permits. Vehicles must prominently display permits. Fees for annual parking permits, vessel launching permits, and permits for loading and off-loading of construction material shall be set by resolution.

**Sec. 36-1046. Beach parking permit.**

No person shall stop, stand or park any vehicle in permit parking spaces designated by a sign, as provided for in F.S. § 316.1945(1)(a)10, located west of Gulf Shore Boulevard or Gordon Drive on all beach access avenues, unless the parked vehicle has an unexpired city or unexpired county beach parking permit firmly affixed to the vehicle as provided in the permit.

**Sec. 36-1057. Sidewalks, bike paths or bike lanes.**

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

~~*Bicycle* means every vehicle propelled solely by human power upon which any person may ride, having 2 tandem wheels, and including any vehicle generally recognized as a bicycle though equipped with 2 front or 2 rear wheels, except such vehicles with a set height of no more than 25 inches from the ground when the seat is adjusted to its highest position and except scooters and similar devices.~~

~~*Bicycle lane or bike lane* means a portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.~~

~~*Bicycle path or bike path* means a bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.~~

~~*Bicycle route or bike route* means a segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.~~

~~*Bikeway* means any road, path or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.~~

~~*Sidewalk* means the portion of a street right-of-way for preferential or exclusive use by pedestrians.~~

~~*Sidewalk/bike path* means the combined use of a portion of a street right-of-way for both pedestrians and bicycles.~~

- (b) ~~*Exceptions.*~~ No person shall stop, stand or park any vehicle upon a sidewalk, bike path or bike lane designated for the exclusive use of bicycles by signing, striping or pavement markings, 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.

### **Sec. 36-1068. Unregistered vehicles or vehicles with expired tag.**

No person shall park an unregistered vehicle or a vehicle with an expired tag in any street right-of-way or in any public access parking area or lot in the city, except vehicles brought for repair, sale or resale to auto repair businesses and parked on property legally utilized by such businesses.

### **Sec. 36-109. Distance from curb; direction.**

- (a) Except when otherwise provided, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of the roadway.
- (b) Except when otherwise provided, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left wheels within 12 inches of the left-hand curb or edge of the roadway.

### **Sec. 36-110. Angle parking.**

- (a) The city manager may permit angle parking on any roadway, except that angle parking shall not be permitted on any state road unless the State has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.



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- (b) Upon those portions of streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs.

**Secs. 36-107 ~~111~~—36-130. - Reserved.**

**Section 3.** That Division 3, Parking Recreational Vehicles, of Article III, Stopping, Standing and Parking, of Chapter 36, Traffic and Vehicles, of the Code of Ordinances, City of Naples, is hereby amended to read as follows, with underlining indicating additions and ~~strikethrough~~ indicating deletions:

**~~Sec. 36-131. 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:~~

~~*Regularly or periodically utilized for dwelling purposes* means the preparation or serving of any meals involving the cooking of foods or the use of a vehicle for office or business headquarters or human habitation.~~

**Sec. 36-132 1. Parking prohibited in certain areas.**

It shall be unlawful for any person to park or permit the parking of a trailer, motor home, camper, boat trailer, tractor-trailer, bus, covered truck, van or other vehicle regularly or periodically utilized for dwelling purposes or trucks with a capacity exceeding  $\frac{3}{4}$  ton on any public street in the following described area: From Bay Road to 20th Avenue South, from a line on the east side of Gordon Drive west to the Gulf of Mexico; and from a line on the east side of Gulf Shore Boulevard west to the Gulf of Mexico, from 20th Avenue South to the northern city limits.

**Sec. 36-133 2. 1-hour parking.**

It shall be unlawful to park any trailer, motor home, camper, boat trailer, tractor-trailer, covered truck, van or other vehicle regularly or periodically utilized for dwelling purposes on the public streets of the city not designated in section 36-132 for a period of time in excess of 1 hour.

**~~Sec. 36-134. Violation, penalty.~~**

~~(a) — Any person violating this division shall be fined the sum of \$20.00 if payment is made within 10 days of the date of violation, \$35.00 if payment is made after 10 days of~~

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~~the date of violation but prior to 60 days of the date of violation and \$50.00 if payment is made more than 60 days after the date of violation.~~

~~(b) — Any person charged with violation of this division, in lieu of paying the fine set forth in subsection (a) of this section, may elect to have a court hearing before the court having jurisdiction thereof, and upon conviction of the violation such person shall be subject to a fine of \$25.00 or as otherwise provided by state law.~~

**Secs. 36-1353—36-160. - Reserved.**

**Section 4.** That Article IV, Parking Meters, of Chapter 36, Traffic and Vehicles, of the Code of Ordinances, City of Naples, is hereby amended to read as follows, with underlining indicating additions and strikethrough indicating deletions:

**Sec. 36-162. - Hours of operation.**

(a) Parking meters shall be in effect from 8:00 a.m. to 11:00 p.m. at all locations except as designated below:

- (1) Parking meters ~~or a parking master meter~~ shall be in effect in Lowdermill Park, ~~Bayview Park and the beach access in Seagate~~ during the hours as posted at the park.
- (2) Parking meters shall be in effect from 8:00 a.m. to 6:00 p.m. daily, including Sundays and holidays, at the Naples Landing, located on the east side of 9th Street South at Naples Bay, near the intersection of 11th Avenue South.

**Sec. 36-163. - Meter rates.**

~~Rates for meters shall be: \$0.25 for ten minutes.~~ The city council shall, by resolution, set meter rates as set forth in appendix A to this Code.

**Sec. 36-164. ~~Violations; penalties; payment of fines; public utility and~~ Separate offense and city vehicles parking in metered areas.**

~~(a) — Any person violating any section of this article, shall be fined \$20.00 if payment is made within ten days of the violation, \$35.00 if payment is made after ten days of the date of violation but prior to 60 days of the date of violation and \$50.00 if payment is made more than 60 days after the date of violation.~~

~~(b) — Any person charged with violation of any section of this article, in lieu of payment of the fine set forth in subsection (a) of this section, may elect to have a court hearing before the court having jurisdiction thereof, and upon conviction of the violation, such person shall be subject to a fine of \$25.00 for a violation of any section, except for section 36-162(a). A violation of section 36-162(a) shall be~~

Ordinance 13-

~~subject to a fine of \$50.00 or as otherwise provided by state law. Any person who elects to have a court hearing as provided in this subsection and fails to appear at the hearing, after timely notice is received, shall be punished as provided in section 1-15. Proof of mailing the notice of hearing by U.S. mail shall constitute prima facie evidence that the notice was received.~~

- ~~(e a)~~ A separate offense shall be deemed committed upon each period of time greater than the maximum provided for on the parking meter.
- ~~(d)~~ Payment of fines shall be made by bringing or mailing the fine to the finance department.
- ~~(e b)~~ Whenever it is necessary for public utility vehicles and city vehicles to park in metered areas for service calls or other city business, they may be permitted to do so at no cost.
- ~~(f)~~ A surcharge of \$2.00 will be added on all parking fines for the sole purpose of funding the school crossing guard program, in accordance with F.S. § 318.21(11)a. The proceeds from the school crossing guard trust fund will be established in accordance with F.S. § 318.21(11)b, for the purpose of this surcharge.

**Section 5.** The clerk of the court or the traffic violations bureau shall supply the city department responsible for enforcement or collections 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 the department, listing persons who have three or more outstanding parking violations, including violations of s. 316.1955. The department shall mark the appropriate registration records of persons who are so reported.

**Section 6.** If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

**Section 7.** That all sections or parts of sections of the Code of Ordinances, City of Naples, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 8.** This ordinance shall, except for Section 5, be codified and made part of the codified ordinances of the City of Naples.

**Section 9.** This ordinance shall take effect October 1, 2013.

**FIRST READING DECLARED THIS 21<sup>ST</sup> DAY OF AUGUST, 2013.**

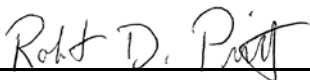
**PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

Attest:

\_\_\_\_\_  
Patricia L. Rambosk, City Clerk

\_\_\_\_\_  
John F. Sorey III, Mayor

Approved as to form and legality:

  
\_\_\_\_\_

Robert D. Pritt, City Attorney

Date filed with City Clerk: \_\_\_\_\_

rtn – rdp – 081613  
rtn – 4:00 pm 081613  
rdp - 081913  
rtn - 082013