

ORDINANCE NO. 22-036

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 34, ARTICLE I TO REDUCE THE NUMBER OF RESERVED SECTIONS; AMENDING CHAPTER 34, ARTICLE II, BY DELETING SECTIONS 34-35 THROUGH 34-62; AMENDING CHAPTER 34, ARTICLE II BY TITLE, AMENDING CHAPTER 34, ARTICLE II BY ADDING SECTIONS 34-16 THROUGH 34-62 TO ESTABLISH PARKING REGULATIONS; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce continues to experience a high level of redevelopment in the downtown and waterfront areas that drastically increased the number of visitors to our community; and

WHEREAS, with the limited parking spaces available result in a large number of vehicles being parked illegally in ways that either damage public property or that are unsafe; and

WHEREAS, the City Commission finds it necessary to provide a set of parking rules and regulations to address the high volume of vehicles and related parking issues; and

WHEREAS, through consistent and successful enforcement of these parking restrictions, residents, visitors, and business owners can enjoy a safer and more friendly environment; and

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. Chapter 34, Article I – In General is hereby amended so that the same shall read hereinafter as follows:

Secs. 34-9—34-~~15~~. – Reserved.

SECTION 2. Chapter 34, Article II – Stopping, Standing and Parking, Sections 34-35 through 34-62 are hereby deleted in their entirety:

- ~~(a) Purpose. This section shall regulate the parking of vehicles within the city limits. All violations in the section are considered class I violations unless specified otherwise.~~
- ~~(b) Obedience to angle parking signs or markings. Upon those streets which have been signed or marked by the traffic engineer for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.~~
- ~~(c) Permit for loading and unloading at an angle to the curb. No person shall stop, stand or park any vehicle at right angles to the curb for the purpose of loading or unloading of merchandise without a permit issued by the traffic engineer, or his authorized representative.~~
- ~~(d) Obstruction of traffic. No person shall park any vehicle upon a street in such a 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. Where streets are not completely paved or curbs provided, the parking of a car shall not usurp more than 12 inches of the paved portion of the street.~~
- ~~(e) Alleys. No person shall stop, stand or park a vehicle within an alley in a business~~

~~district, except for the expeditious loading or unloading of materials, and in no event for a period of more than 20 minutes, and no person shall stop, stand or park a vehicle in any other alley in such a manner, or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.~~

~~(f) Authority to remove and impound vehicles.~~

~~(1) Whenever any police officer finds a vehicle standing upon a street or alley in violation of any of the foregoing provisions of this article, such standing upon a street or alley in violation of any of the provisions of this article, such officer may move such vehicles or require the driver or person in charge of the vehicle to move the same to a position off the paved or improved or main traveled part of such street or alley.~~

~~(2) Whenever any police officer finds a vehicle unattended upon any street, bridge or causeway, or in any tunnel within the city where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle in accordance with law.~~

~~(g) All-night parking. No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all-night parking and giving notice thereof, for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day.~~

~~(h) Parking for certain purposes. No person shall park a vehicle upon any street for the principal purpose of:~~

~~(1) Displaying such vehicle for sale.~~

~~(2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.~~

~~(3) Displaying advertising.~~

~~(4) Selling merchandise from such vehicle except in a duly established marketplace, or when so authorized or licensed under the ordinances of the city.~~

~~(5) Storage, or as junkage or dead storage, for more than five continuous days (120 hours).~~

~~(i) Standing or parking on one-way roadways. In the event a street includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left hand side of such one-way roadway, unless signs are erected to permit such standing or parking.~~

~~(j) Passenger curb loading zone. No person shall stop, stand or park a vehicle for any purpose or period of time, except for the expeditious loading or unloading of passengers, in any place marked as a passenger curb loading zone during hours when the regulations applicable to such passenger curb loading zone are effective, and then only for a period not to exceed five minutes.~~

~~(k) Freight curb loading zone.~~

~~(1) 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 freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.~~

~~(2) The driver of a vehicle may stop temporarily at a place marked as a freight~~

~~curb loading zone, for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.~~

- ~~(l) Restricted parking zone. No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone, for the purpose of and while actually engaged in loading or unloading of passengers, when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted.~~
- ~~(m) Buses, taxicabs. The operator of a bus or taxicab shall not stop, stand or park upon any street in any business district at any place other than at a bus stop, or taxicab stand, respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping, standing or parking regulations at any place for the purpose of and while engaged in the expeditious unloading or loading of passengers.~~
- ~~(n) Use of bus and taxicab stands. No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when 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 the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.~~
- ~~(o) Parking prohibited at all times. When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets, sidewalks, sidewalk areas or other places so designated.~~
- ~~(p) Parking time limited on certain streets. When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle for longer than the time designated by said signs at any time between those hours so stated by said signs on any day except Sundays and legal holidays.~~
- ~~(q) Parking in spaces for persons with disabilities. No person shall stop, stand, or park a vehicle within, or to obstruct, any space designated and marked as a disabled person parking space unless the vehicle displays a disabled parking permit or a license plate and the vehicle is transporting the person to whom the displayed permit is issued. Violation of this subsection is a Level III violation. All fines collected under this subsection will be collected in accordance with F.S. chs. 316 and 318.~~
- ~~(r) Parking in fire lanes. No person shall stop, stand, or park a vehicle, with the exception of allowing a disabled person to enter or exit the vehicle, in a fire lane located on any property within the city.~~
- ~~(s) Parking prohibited on city right-of-way. No person shall stop, stand or park a vehicle, either fully or partially, upon any right-of-way owned and maintained by the city.~~
- ~~(t) Violations of F.S. ch. 316. Supplemental to the provisions of this chapter, the city hereby adopts provisions relating to parking, traffic control, enforcement and penalties as outlined in the F.S. ch. 316.~~
- ~~(u) Exemptions. The prohibitions stated in this section shall not apply to city, county, state and/or utility worker vehicles while parked in conjunction with discharging their official duties.~~

- ~~(v) Penalty. A violation of any of the provisions of this section shall be deemed an infraction, a noncriminal 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.~~
- ~~(w) Procedure. Any person cited for a violation of this section shall be deemed to be charged with a noncriminal violation and upon receiving notice of such shall:~~
- ~~(1) Within 30 calendar days pay to the city a fine, as provided for in chapter 2, for violation of on-street parking; off-street parking; illegal parking or blocking traffic. Upon the violator's failure to pay the appropriate sum as applicable within 30 calendar days after receipt of the notice of such violation or violations, the violator, shall pay an additional fine of \$18.00.~~
 - ~~(2) Within seven calendar days, post a bond which shall be equal in amount to the applicable penalty set forth in subsection (w)(1) of this section, plus \$10.00, and sign a written request to appear before a special magistrate authorized by law to preside over a court or hearing adjudicating traffic infractions. Any person electing to appear before a special magistrate shall be subject to the maximum penalty provided by subsection (w)(1) of this section, as well as subject to any administrative costs assessed.~~
 - ~~(3) Any person posting a bond as outlined in subsection (w)(2) of this section and who fails to appear at the hearing shall be considered as having forfeited said bond.~~
 - ~~(4) If a person follows the procedure of either subsection (w)(1) or (3) of this section, he shall be deemed to have admitted the infraction and to have waived his right to a hearing on the commission of the infraction. Such admission shall not be used as evidence in any other proceeding.~~

~~Sec. 34-36. Impoundment of vehicles generally.~~

~~The police officers of the city are hereby authorized to remove a vehicle from any public street, park, lawn or parkway or from any private alley, drive, driveway or other privately-owned property and to cause the same to be impounded in the nearest garage or other place of safety, or in a garage designated or maintained by the police department or otherwise maintained by the city:~~

- ~~(1) When any vehicle shall be parked on any public park, lawn, parkway or in front of or so as to block entrances or driveways into public or private property from streets, avenues, highways or boulevards.~~
- ~~(2) When any vehicle shall be parked in any private alley, drive, driveway or on other privately-owned property without the permission or consent of the owner of such private alley, drive, driveway or property.~~
- ~~(3) When any vehicle is left unattended and parked upon a street and is so parked illegally as to constitute a hazard or obstruction to the normal movement of traffic.~~
- ~~(4) When any vehicle is left unattended and parked for an excessive period of time and in violation of any ordinance of the city or regulation of the city manager limiting the time for parking of vehicles on designated streets or parts of streets within the city.~~
- ~~(5) When a vehicle is so disabled as to constitute an obstruction to traffic or a hazard to persons or property and the persons in charge of the vehicle are by reason of physical injury or condition incapacitated to such an extent as to be unable to provide for its custody or removal.~~

~~Sec. 34-37. Parking trucks, buses.~~

- ~~(a) Definitions. For the purpose of this section, the term "truck" means any vehicle designed or operated for the transportation of property and whose body weight, or~~

~~whose combined body and load weight, exceeds one ton. The term "bus" means any vehicle designed or operated for the transportation of human beings and whose body weight, or whose combined body weight and load weight, exceeds one ton.~~

~~(b) Parking on certain city streets. When official traffic control devices have been installed giving notice thereof, no driver or operator of any bus or truck shall park on said streets.~~

~~Secs. 34-38 – 34-62. Reserved.~~

SECTION 3. Chapter 34, Article II – Stopping, Standing and Parking is hereby amended so that the same shall read hereinafter as follows:

ARTICLE II. ~~Stopping, Standing and~~ Parking

DIVISION 1. GENERAL PROVISIONS; ADMINISTRATIVE AUTHORITY; DEFINITIONS

Section 34-16. Title.

This chapter shall be known and may be cited as the "City of Fort Pierce Parking Ordinance."

Section 34-17. Applicability.

The provisions of this chapter shall apply throughout the corporate limits of the City and to the use of parking-related property owned or operated by the City.

Section 34-18. Definitions.

For the purpose of this chapter, certain abbreviations, terms, phrases, words, and their derivatives shall have the following meanings:

Calendar days mean and include Saturdays, Sundays, and legal holidays. Thus, in computing any period of time prescribed or allowed by this chapter, the day of the act, event, or default from which the designated period of time begins to run shall not be included; however, the last day of the period so computed shall be included, even if it is a Saturday, Sunday or legal holiday, any provision of this Code to the contrary notwithstanding.

Citation means a parking ticket issued for a violation of the Code as described in this chapter.

Commercial parking permit shall mean an identification credential affixed to a vehicle issued to a business by the City in accordance with the provisions of this section.

Commercial vehicle means:

(a) A vehicle designed, used or maintained primarily for the transportation of property, with a gross vehicle weight of 10,000 pounds or more; or

(b) Any bus, van, or truck with either a gross vehicle weight in excess of 10,000 pounds, or which is designed, used or maintained primarily for the transportation of unrelated persons for hire; or

(c) Any vehicle used in connection with any commercial enterprise that is identified by permanent or removable markings on both sides of the exterior of the vehicle, in letters not less than three (3) inches high, of the name of the company operating such vehicle.

Contractor parking permit shall mean an identification credential affixed to a vehicle issued to a contractor on a temporary basis by the City in accordance with the provisions of this section.

Delinquent status means a citation where payment is past due and includes citations that have not been paid, or for which a request for a parking violation hearing has not been made. A citation which has been found to be in violation after a hearing shall be in delinquent status if not paid within the time set. A violation set for a parking violation hearing which results in default shall immediately be in delinquent status. A citation will

remain in delinquent status until paid in full, unless dismissed or found not to be a violation.

Hearing officer means the code enforcement special magistrate assigned to hear parking violation hearings and challenges to parking citation violations and immobilization of vehicles in accordance with the provisions of this chapter.

Industrial equipment means farm tractors, implements, bulldozers, draglines, cranes, derricks, heavy earthmoving equipment normally used in farming excavation and/or heavy construction activities.

Non-motorized vehicle means any vehicle which does not have an attached source of mechanical energy such as an engine in order to make it move, but has to be attached, drawn, pushed, or pulled in order for it to be moved. Non-motorized vehicles include, but are not limited to, utility trailers, travel trailers, watercraft, boats, and watercraft or boat trailers.

Owner means any person, firm, corporation, or association controlling any motor vehicle or mobile home by right of purchase, gift, lease, or otherwise as defined under F.S. § 320.01, as of the date of the violation. The owner of a vehicle bearing a license plate that has been issued a citation shall be liable for payment of all penalties and costs.

Park or parking means 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.

Parking enforcement officer means a designated person who has successfully completed a parking enforcement officer training program established and approved by the Florida Criminal Justice Standards and Training Commission.

Parking violation hearing means a hearing by a hearing officer in which a driver or owner of a vehicle bearing a license plate that has been issued a citation, may contest the issuance of the citation. Parking violation hearings shall provide the opportunity for testimony and evidence to be presented and the rules of evidence shall be liberally construed to allow for the presentation of testimony and evidence. Parking violation hearings shall also be used by a person with standing to challenge the immobilization of a vehicle in a post-immobilization hearing.

Semitrailer means a semitrailer which is used or designed primarily for carrying commercial loads.

Stand or standing means 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.

Stop or stopping, when prohibited, means 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 direction of a law enforcement officer or traffic-control sign or signal.

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

Section 34-19. Administrative authority.

The provisions of this chapter shall be enforced by the City Manager or his or her designee.

Section 34-20. Authority to issue citations for parking tickets.

Parking enforcement officers, police officers and community service officers are authorized to issue parking tickets for violations of this chapter.

Section 34-21 – 34-25. – Reserved.

DIVISION 2. FEE AUTHORITY AND TYPES

Section 34-26. Fees—City Commission to establish.

The City Commission shall have the authority to set fees by resolution.

Section 34-27. Same—Types enumerated.

Fees may be charged for the following:

- (1) Temporary Contractor Parking permits.
- (2) Business Parking permits (for use in loading zones only).
- (3) Marina Parking permits.
- (4) Late payments.
- (5) Immobilization and impoundment of vehicles as provided for in this chapter.

Section 34-28 – 34-30. – Reserved.

DIVISION 3. GENERAL PARKING REGULATIONS

Section 34-31. Parking in City lots, garages, public streets, and other property.

- (a) *Improper Parking.* Any vehicle stopped, standing, or parked in a single parking space on any City owned or operated parking lot, garage, public street, or other property shall be parked within the lines marked for such single parking space. It is unlawful to stop, stand or park any vehicle across any such line or mark or to park such vehicle in any such way that the same shall not be within the area so designated by such lines or markings for that single parking space.
- (b) *Height Restrictions.* No vehicle shall enter a parking garage which exceeds the height restriction posted on the clearance bar at the entrance of each garage.
- (c) *Restricted Parking.* It is unlawful for an operator of a vehicle to stop, stand or park such vehicle in a space not designated or designed for its size.
- (d) *Parking Time Limited.* When signs are erected giving notice of time limits, no person shall park a vehicle in any parking space and/or zone for a continuous period of time longer than that period of time designated by such signs. In order to enforce this provision no person shall roll the tires of a vehicle in an attempt to circumvent time restrictions enforcement prior to removing the vehicle from the parking space.
- (e) *Parking prohibited/limited.* When signs are erected or pavement markings are installed giving notice thereof, no person shall park a vehicle at any time upon any of the streets, parking lots, sidewalks, sidewalk areas or other places so designated in a manner inconsistent with the provided signage or pavement markings.
- (f) *Required distance from driveways.* It is unlawful for any person to stop, stand or park a vehicle, whether occupied or not, within ten (10) feet from the edge of a public or private driveway. It is unlawful for any person to stop, stand or park a vehicle across the street from a driveway if the street width is twenty-five (25) feet or less.
- (g) *Minimum street clearance.* It is unlawful for any operator to stop, stand or park any vehicle upon a street, in a traffic lane, any alley or other city owned or operated property in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the traffic lane or roadway for free movement of vehicular traffic, except that an operator may stop only during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals or directions from a police officer or community service officer. Where streets are not completely paved or curbs provided, the parking of a car shall not usurp more than 12 inches of the paved portion of the street.
- (h) *Alleys.* No person shall stop, stand, or park a vehicle within an alley in a business district, except for the expeditious loading or unloading of materials, and in no event for a period of more than 20 minutes. No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.
- (i) *Oversized vehicle restrictions.* No motor vehicle, as defined by Florida Statutes as may be amended, of eighty-six (86) inches or more in overall width (not including mirrors) shall be parked on any street, alley, or city owned or operated property, other than for loading and unloading, if parked adjacent to property designated by Chapter 125 of this Code as a residential zoning district.

- (1) A written warning will be provided prior to the issuance of a citation. After twelve (12) hours, if the motor vehicle is parked in any prohibited location, a citation may be issued.
 - (2) Failure to move the motor vehicle in violation from streets, alleys, or City owned or operated property within two (2) hours after the issuance of a citation shall subject the motor vehicle to immobilization and/or impoundment as provided under this chapter.
 - (3) If it is determined that continued parking of the oversized motor vehicle creates an unsafe condition or is hazardous to the safety of the community, the Police Department may have the vehicle towed in accordance with Section 34-57 of this chapter.
- (j) Commercial /Industrial vehicle restrictions.
- (1) It shall be unlawful for any owner, agent, operator or person in charge of any commercial vehicle, industrial vehicle, or semitrailer, to park, stop, store or keep same on any public street, avenue, alley or other thoroughfare, or any right-of-way therewith, within any residential district in the city for a period exceeding one hour in any 24-hour period, each such period commencing at the time of the first stopping in the city.
 - (2) It shall be unlawful for any owner or lessee of real property in any residential district in the city to park on, cause to be parked on, or allow to be parked on his residential property, any commercial vehicle identified in the definition for commercial vehicle of this section, subsections (a) and (b), industrial vehicle, or semitrailer for the period exceeding one hour in any 24-hour period, unless same is in an enclosed garage. Each such period shall commence at the time of first stopping or parking. This restriction shall also apply to the owner, agent, operator, or person in charge of any such vehicle in the event said person is not the owner or lessee of said real property.
 - (3) The restrictions of this section shall not apply to the temporary parking of such vehicles on private property in residential districts whereon construction is underway, for which a current and valid building permit has been issued by the city, and said permit is properly displayed on the premises or any excavation or construction site whereon construction, clearing, removal of debris or other building and/or excavation activities are either currently under way or will commence within the next 24 hours. Industrial equipment used in lot clearing, tree trimming or removal, lawncare and related services, is also included, although a specific building permit may not be required; and, nothing in this section is intended to require a building permit where not otherwise required.
 - (4) The restrictions of this section of one hour parking limit in residential districts shall not apply to routine deliveries by tradesmen, or the use of trucks in making service calls, provided that such time in excess of one hour is actually in the course of business deliveries or servicing as the case may be.
 - (5) The restrictions of this section shall not apply to a situation where such vehicle becomes disabled, and as a result of such emergency is required to be parked within a residential district for longer than one hour. However, any such vehicle shall be removed from the residential district within 24 hours, by wrecker towing if necessary, regardless of the nature of the emergency.
- (k) Parking for certain purposes. It is unlawful for any person to park any vehicle upon any City owned or operated lot, garage, street or other property for the primary purpose of:
- (1) Displaying such vehicle for sale.
 - (2) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.
 - (3) Displaying advertising in accordance with Section 117-5 – Prohibited signs or sign characteristics.

- (4) Selling food or merchandise from such vehicle except in a duly established special event, or when so authorized under the ordinances of the City in accordance with Section 22-361.
- (l) Parking on Right of Way. It is unlawful to park in or on any right-of-way owned or maintained by the City, County or State except in designated parking spaces or parking lanes. For the purposes of this section, the term "right-of-way" shall have the definition provided in Section 32-8.
- (m) Parking to block stop signs. No person shall stop, stand, or park a vehicle, with the exception to momentarily allow a person to enter or exit the vehicle, within fifteen (15) feet of a stop sign or stop bar.
- (n) Parking in opposing traffic lane. No person shall stop, stand, or park a vehicle by means of crossing oncoming traffic and park so as to face opposing traffic flow. When parking in an angled parking space, the vehicle must be parked with the flow of traffic. Backing into an angled parking space is prohibited.
- (o) Parking in fire lanes. No person shall stop, stand, or park a vehicle, with the exception of allowing a disabled person to enter or exit the vehicle, in a fire lane located on any property within the city. Violation of this subsection is a Level II violation.
- (p) Parking in spaces for persons with disabilities. No person shall stop, stand, or park a vehicle within, or to obstruct, any space designated and marked as a disabled person parking space unless the vehicle displays a disabled parking permit issued under Section 316.1958 or Section 320.0848, Florida Statutes or a license plate issued under Sections 320.084, 320.0842, 320.0843, or 320.0845, Florida Statutes, and the vehicle is transporting the person to whom the displayed permit is issued. Violation of this subsection is a Level III violation.
- (q) Violations of Chapter 316, Florida Statutes. Supplemental to the provisions of this chapter, the City hereby adopts provisions relating to parking, traffic control, enforcement and penalties as outlined in Chapter 316, Florida Statutes.
- (r) Exemptions. The prohibitions stated in this section shall not apply to City, County, State and/or utility worker vehicles while parked in conjunction with discharging their official duties.

Section 34-32. Freight, loading and unloading spaces restricted.

- (a) Spaces designated "loading zones" shall be restricted to commercial vehicles as defined in this section and other vehicles properly displaying a business parking permit and while actively engaged in the loading and unloading of materials or in cases of emergency.
- (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 loading zone. In no case shall the stop for loading and unloading exceed thirty (30) minutes.
- (c) For any continuous parking in the same space, a violation will be deemed to have occurred for each interval of time designated that the vehicle remains in that space.

Section 34-33. Continuous parking.

- (a) It is unlawful for any person to permit a vehicle to remain in any parking space for more than twenty-four (24) hours in any non-residential zone, unless displaying a valid permit credential.
- (b) It is unlawful for any person to permit a vehicle to remain in any parking space for more than (4) hours after a citation has been issued for violation of subsection (a) of this section.
- (c) For any continuous parking in the same parking space, no more than one (1) offense under subsection (a) of this section and one (1) offense under subsection (b) of this section shall be deemed to have occurred on any one (1) date. In the case of any continuous parking in violation of subsection (a) or subsection (b) hereof covering parts of two (2) or more dates, one (1) offense under subsection (b) shall be deemed to have occurred on each of such dates.

Section 34-34. Electric vehicle charging station parking.

- (a) No person shall park any vehicle in any parking space located in any City owned or operated parking garage or parking lot which is clearly marked as being reserved for the use of an electric vehicle charging station located within said parking garage or lot, unless such vehicle is using the electric vehicle charging station.
- (b) It is unlawful for any person to permit a vehicle to remain in a parking space reserved for the charging of electric vehicles for more than four (4) hours.

Section 34-35. Special Events.

- (a) When roads, City owned or maintained parking lots, parks or other City property are leased to a private party for a special event, consistent with Chapter 28, Article IV – Special Events, it is unlawful for a person to park any vehicle within the designated area without express permission from the event permit holder.
- (b) It is unlawful for any person to permit a vehicle to remain in the leased special event area for more than two (2) hours after a citation has been issued for violation of subsection (a) of this section. If a vehicle remains parked after two (2) hours, the Police Department may have the vehicle towed in accordance with Section 34-57 of this chapter.

Section 34-36. Non-motorized vehicle parking prohibited.

Unless otherwise authorized in this Code, it shall be unlawful to park any non-motorized vehicle upon any street, alley, parking lot or City owned or operated property, for longer than twenty-four (24) consecutive hours. Failure to move the non-motorized vehicle in violation from streets, alleys, parking lot or city owned or operated property within two (2) hours after the issuance of a ticket shall subject the non-motorized vehicle to immobilization and/or impoundment as provided under this chapter.

Section 34-37 – 34-40. - Reserved

DIVISION 4. PERMITS, PERMIT REGULATIONS

Section 34-41. On-Street parking permits.

- (a) The City Manager or his or her designee may grant and issue, renew, deny, or revoke on-street parking permits that, when properly displayed, will allow parking in a restricted parking space. Fees shall be assessed for an on-street parking permit. Requests for on-street parking permits shall be made in writing to the City.

Section 34-42. Business parking permits.

- (a) Businesses may request a business parking permit for use of personal vehicles, used in the course of business, but that do not meet the definition of commercial vehicle as defined by this chapter, to allow parking within designated loading zones. Fees shall be assessed for a business parking permit. Requests for business parking permits shall be made in writing to the City.
- (b) Business parking permits may be used only in loading zones in the downtown area of the City. Parking is restricted to the thirty-minute time limit as permitted by section 34-32(b) of this code.
- (c) A business parking permit is valid only for the City fiscal year in which it was issued.

Section 34-43. Contractor parking permits.

- (a) Contractors or business owners may request a temporary contractor parking permit to allow for the use of restricted parking spaces for the following:
 - (1) A vehicle which is actively used for construction, rehabilitation, or repair of a business located in the downtown area, wherein materials and tools must be readily accessible.
 - (2) Dumpsters that are required for the construction, rehabilitation, or repair of a business located in the downtown area.

- (b) Specific conditions may be placed upon the permit holder based on time, location, safety concerns or other such conditions as are warranted. Failure to comply with such conditions may result in the permit being revoked.
- (c) Requests shall be made to the City Manager or his/her designee and must include the time for which the permit will remain active. In no case will a contractor parking permit be issued for a time frame beyond that for which a building permit has been issued.
- (d) Contractor parking permits shall be categorized as either "Limited", which provides for parking between the hours of 6:00 AM and 6:00 PM and is not space specific or "Unlimited", which provides for a specific space or spaces to be temporarily assigned to the permit holder.

Section 34-44. Marina parking permits.

- (a) Marina tenants may request a marina parking permit for extended parking of personal vehicles. Fees shall be assessed for a marina parking permit. Requests for marina parking permits shall be made in writing to the City Marina.
- (b) In addition to the rules provided in this section, all marina parking permit recipients must abide by the Fort Pierce City Marina Parking Rules and Regulations, as amended, which are available in the Marina Office.
- (c) Unless located in the designated marina parking lot on the north side of the marina, vehicles may not be parked in one location for more than 10 days. Vehicles parked for more than 10 days must be located on the 3rd, 4th or 5th floor of the City Hall Parking Garage
- (c) A marina parking permit expires upon the expiration or termination of permit holder's marina lease.

Section 34-45. Juror parking permits.

- (a) The office of the Clerk of the Circuit Court for St. Lucie County is authorized to issue parking permits in accordance with this section
- (b) Persons summoned for jury duty may be provided a temporary parking permit with the summons.
 - (1) Parking permits issued under this subsection (b) must be displayed on the dashboard if the vehicle is parked in a time-restricted parking space.
 - (2) Such parking permits are valid for one (1) day.
- (c) Once selected to serve on a jury, all jury members may be provided a juror parking permit for parking throughout their time of service.
 - (1) Parking permits issued under this subsection (c) must be displayed on the dashboard if the vehicle is parked in a time-restricted parking space.
 - (2) Such parking permits are valid for up to seven (7) days and may be renewed as necessary.

Section 34-46. St. Lucie County Sheriff's Office parking permits.

- (a) The St. Lucie County Sheriff's Office is authorized to issue parking permits to deputies assigned to the St. Lucie County Court House.
- (b) Sheriff's Office parking permits are valid only in marked parking spaces located on the west side of Indian River Drive.

Section 34-47 – 34-50. – Reserved

DIVISION 5. PENALTIES AND ENFORCEMENT

Section 34-51. Issuance of parking citations; payment or contesting citations; penalties for parking violations; requesting a City review.

- (a) A law enforcement officer, community service officer or parking enforcement officer who discovers a vehicle parked in violation of this chapter or other law may issue a

parking citation to a vehicle as identified by the license plate number, vehicle identification number, or with other specificity to ensure the vehicle in violation can be identified and deliver it to the driver; or if the vehicle is unattended, attach such citation to the vehicle in a conspicuous place.

(b) The parking citation shall provide:

(1) The date and time of issuance.

(2) The name or identification number of the officer or parking enforcement officer who issued the citation.

(3) A description of the violation.

(4) The penalty amount.

(5) The period of time in which it must be paid or set for a parking violation hearing before it is considered in delinquent status.

(6) The vehicle information.

(7) Information on how and where the citation may be paid; and

(8) Information on how the citation may be contested.

(c) The driver or owner of the vehicle which was issued a citation shall elect to pay the citation as described on the citation or request a parking violation hearing as described in paragraph (h). Failure to pay a citation, or request a parking violation hearing, within the specified time shall result in the citation being in delinquent status.

(d) Unless otherwise specifically provided in this section, the violation of any provision of this chapter relating to parking shall be a Class I noncriminal civil infraction pursuant to Section 1-106 of the Code of Ordinances.

(e) A violation of Section 34-31(p), enforcement of parking in spaces for persons with disabilities, shall be a Class III violation. Any penalty collected for such a violation may be deposited in a separate account to be used to defray expenses for administration of this violation; and to provide funds to improve accessibility and equal opportunity to qualified persons who have disabilities in the City and to provide funds to conduct public awareness programs in the City concerning persons who have disabilities.

(f) A violation of Section 34-31(o), parking in fire lanes, shall be a Class II violation.

(g) Any penalty not paid to the City within thirty (30) days of the date of the violation, unless a parking violation hearing has been requested, shall result in an additional penalty, which amount shall be set by Resolution plus any associated administrative fees pursuant to Section 1-105.

(h) A person who wishes to contest a citation without being assessed additional penalties or costs for delinquency shall complete and submit a written request for a parking violation hearing which must be received by the City within fourteen (14) calendar days of the date of the violation. A request for a parking violation hearing shall be on the form prescribed by the City. Requests shall include a complete name and address of the person contesting the hearing, and a phone number and e-mail address. A copy of the individual's driver's license, a copy of the parking citation and a description of the dispute must be included with the request for a hearing.

(i) The Department of Community Response shall conduct a preliminary review of all parking citation appeals within seven (7) days of receipt of the written request. The determination may:

(1) Affirm the issuance of the citation and the matter will be scheduled to be heard by the Special Magistrate.

(2) Find the appeal valid and dismiss the citation.

(3) Allow for a reduction in the penalty.

(j) Upon an affirmance under subsection (i)(1) or confirmation that the citation has not been paid, a notice of hearing will be issued. The City shall send a Notice of Hearing which states:

- (1) The date, time, and location of the parking violation hearing.
 - (2) That a person who elects to contest the citation may be assessed a penalty of up to \$500.00 if found in violation after a hearing by the Special Magistrate.
 - (3) That a person who elects to contest a violation and then fails to appear at the parking violation hearing shall be deemed to have waived his or her right to a hearing and may be found in violation by default subject to a penalty of up to \$500.00, unless otherwise authorized or prohibited by law.
 - (4) That unpaid citations will be in delinquent status may be transferred to St. Lucie County Court.
 - (5) That vehicles bearing license plates which are identified as belonging to owners who have citations in delinquent status are subject to immobilization or impoundment as provided in this chapter.
- (k) The Notice of Hearing shall be sent by certified mail to the address provided by the Florida Department of Transportation or to the person making the request for a parking violation hearing at the physical address, with a copy sent to the e-mail address provided in the request. A certification by the City that the Notice of Hearing was mailed to the physical address constitutes prima facie evidence that the person on the Notice of Hearing was served with the notice.
- (l) A person who requests a parking violation hearing waives his or her right to pay the initial civil penalty amounts set forth in this chapter. The Special Magistrate, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$500.00 unless otherwise authorized or prohibited by law, plus administrative costs.

Section 34-52. Cancellation or continuances of hearings; burden of proof; payment after hearing.

- (a) A scheduled parking violation hearing will be cancelled if full payment of the pending violation(s) is made at least twenty-four (24) hours prior to the hearing date.
- (b) Request for continuation of a scheduled parking violation hearing shall comply with the procedures outlined in the Special Magistrate Rules of Procedure, as may be amended.
- (c) A finding of violation requires all penalties and costs to be paid within fourteen (14) calendar days unless additional time is granted by the Special Magistrate or the City.
- (d) Failure to pay outstanding penalties or costs after a finding of a violation at a hearing shall result in the citation being transferred County Court for further proceedings.

Section 34-53. Additional penalties and enforcement to include immobilization and impoundment.

- (a) The City of Fort Pierce is authorized to attach a device that is capable of immobilizing a vehicle as described in this chapter when:
 - (1) It is determined that the license plate number attached to a vehicle, or the owner of a vehicle owes one hundred fifty dollars (\$150.00) or more to the City as a result of delinquent parking citations and related administration and late fees.
 - (2) A violation of section 34-36 exists, relating to non-motorized vehicles.
 - (3) A violation of section 34-31(i) exists, relating to motor vehicles of eighty-six (86) inches or more in overall width.
- (b) In order to ensure the safety of the vehicle, an immobilized vehicle shall be impounded if the reason for the immobilization has not been resolved and the immobilization device has not been removed within twenty-four (24) hours of the immobilization.

Section 34-54. Immobilization of vehicles.

- (a) Immobilization referred to in this chapter shall be by an immobilization device attached to the vehicle at the place where it is found, except that no vehicle shall be

immobilized on private property or within the traveled portion of any street or on any portion of a street when immobilization at such place would create a hazard to the public or to the traffic.

- (b) At the same time as the immobilizing device is attached to the vehicle, a warning notice shall be affixed to the windshield or other prominent place on the vehicle stating that the immobilizing device has been so attached, cautioning the operator not to attempt to operate the vehicle while the immobilizing device is still attached and informing the operator that the vehicle is under immobilization, the reason for the immobilization, and where the proper person must go in order to arrange for the removal of the immobilization device or to request a post-immobilization hearing. Immobilization fees, including the administration fees for removal of the immobilization device, shall be paid to the City.
- (c) A person with standing who wishes to request a post-immobilization hearing in front of a hearing officer shall follow the procedure set out under Section 34-51 of this chapter.

Section 34-55. Removal of immobilizing device unlawful.

It is unlawful for any person to attempt or to remove, damage, destroy or tamper with an immobilizing device affixed to a vehicle by the City. A violation of this section shall be a Class III infraction in accordance with City Code Section 1-106. Release of an immobilized vehicle will take place in accordance with section 34-56.

Section 34-56. Establishment of post-immobilization hearings.

- (a) Any person wishing to challenge the immobilization of a vehicle pursuant to this chapter shall be entitled to a post-immobilization hearing before a Special Magistrate. Post-immobilization hearings shall be handled on the same date and time as parking violation hearings. A person who wishes to contest an immobilization without being assessed additional penalties or costs for impoundment shall post a bond for the entire amount in dispute and complete and submit a written request for post-immobilization hearing which must be received by the City within two (2) business days of the date of the immobilization. A request for a post-immobilization hearing shall be on the form provided by the City. Requests shall include a complete name and address of the person requesting a hearing, a phone number, e-mail address and a copy of the requestor's driver's license and vehicle registration. A description of the dispute must be included with the request for a hearing. Upon such request, a notice of hearing will be issued, confirming the time and date of the hearing.
- (b) Within one (1) business day following receipt of the request for post-immobilization hearing, the Department of Community Response shall conduct a preliminary review of the immobilization appeal. The determination may:
- a. Affirm the immobilization and the matter will be scheduled to be heard by the Special Magistrate.
 - b. Find the appeal valid and allow the release of the immobilization device without penalty.
- (c) Upon affirmance by the Department of Community Response, the City shall send a notice of hearing which states:
- (1) The date, time, and location of the post-immobilization hearing.
 - (2) That a person who elects to contest the immobilization waives his or her right to pay the initial amount of the ticket due at the time of the immobilization unless a bond was posted.
 - (3) That additional penalties and costs for the impoundment of the vehicle will continue to accrue until a hearing is held and a determination is made as to whether the vehicle was immobilized in accordance with chapter 34, Fort Pierce Code.
 - (4) That a person who elects to contest a violation and then fails to appear shall be deemed to have waived his or her right to a hearing and any bond will be forfeited to the City.

- (d) The Notice of Hearing shall be sent by mail or e-mail to the person making the request for a post-immobilization hearing to the physical address or e-mail address provided in the request. A certification by the City that the Notice of Hearing was mailed to the physical address or e-mail address provided on a post-immobilization request constitutes prima facie evidence that the person on the Notice of Hearing was served with the notice.
- (e) The Special Magistrate, after a hearing, shall make a determination as to whether an immobilization was done in accordance with this chapter. If the Special Magistrate determines that the immobilization was not done in accordance with the applicable ordinances, statutes and regulations, the aggrieved party shall be entitled to a reimbursement of any bond, fines, costs, or penalties paid related to the contested immobilization or if the vehicle is still impounded, the vehicle shall be immediately released with a waiver of all fines, costs, and penalties.

Section 34-57. Impoundment of vehicles.

- (a) Impoundment referred to in this chapter shall be done in accordance with Section 713.78, Florida Statutes. A vehicle impounded under this chapter will be subject to all liens and terms described in Chapter 713, Florida Statutes, in addition to payment of other applicable penalties and costs.
- (b) The City of Fort Pierce is authorized to remove a vehicle from streets, City owned or operated off-street lots, parking structures, parks, beach and recreation areas, and other property within the City limits and to cause the same to be impounded in the nearest garage or other place of safety, or in a garage designated or maintained by the police department or otherwise maintained by the City, if any of the following occurs:
- (1) When any vehicle shall be parked in front of or so as to block entrances or driveways into public or private property.
 - (2) When any vehicle is left unattended and parked upon a street and is so parked illegally as to constitute a hazard or obstruction to the normal movement of traffic.
 - (3) When any vehicle is left unattended and parked for an excessive period of time and in violation of any ordinance of the City or regulation limiting the time for parking of vehicles.
 - (4) When a vehicle is so disabled as to constitute an obstruction to traffic or a hazard to persons or property and the persons in charge of the vehicle are by reason of physical injury or condition incapacitated to such an extent as to be unable to provide for its custody or removal.
 - (5) When a vehicle is considered inoperable or abandoned due to expired registration or other condition that prevents the vehicle from being removed by the registered owner.
 - (6) As authorized under section 34-53(b), related to unresolved immobilization of vehicles.

Section 34-58. Release of immobilized or impounded vehicle.

- (a) An immobilized vehicle under this chapter may be released by the City upon: payment of all parking fines, costs, and immobilization fees; a City review and determination to release the immobilization device without penalty; or upon a Special Magistrate finding in favor of the person challenging the immobilization.
- (b) A vehicle impounded under this chapter may be released upon: payment of all parking penalties, costs, towing, storage, and administrative fees in accordance with F.S. § 713.78; or upon the posting of a cash or surety bond totaling all applicable amounts owed until the disposition of any hearing held in accordance with section F.S. § 713.78. A person who posts a bond under this section and fails to file a complaint within the time required under F.S. § 713.78 shall have waived his or her right to a hearing and the total amount of the posted bond shall be forfeited to the city.

Section 34-59. Disposition of unrecovered impounded vehicles.

Vehicles impounded under this chapter which are not recovered may be disposed of in accordance with F.S. § 713.78.

Section 34-60 – 34-62. – Reserved

SECTION 4. All ordinances of parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 5. This ordinance is and the same shall become effective immediately upon final passage hereof.

SECTION 6. If any provision of this ordinance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this ordinance, which shall be deemed separate, distinct, and independent provisions to the fullest extent possible.

APPROVED AS TO
FORM AND CORRECTNESS:

Tanya M. Earley, Esq.
City Attorney

STATE OF FLORIDA COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 22-009 was duly advertised by title only in the St. Lucie News Tribune on February 22, 2022 and February 20, 2022; copy of said Ordinance was made available at the Office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on February 22, 2022; and was duly introduced, read by title only, and passed on second and final reading on March 7, 2022, by the City Commission of Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 7th day of March 2022.

Linda Hudson, Mayor

ATTEST:

Linda W. Cox
City Clerk

(SEAL)