

ORDINANCE NO. xx-xxx

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 34, ARTICLE II, (add all amendments and changes here); 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 TBD; and

WHEREAS, TBD; and

WHEREAS, TBD; and

WHEREAS, TBD; and

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

SECTION 1. Chapter 34, Article II – Parking, Division 1. General Provisions; Administrative Authority; Definitions is hereby amended so that the same shall read thereafter as follows:

DIVISION 1. GENERAL PROVISIONS; ADMINISTRATIVE AUTHORITY; DEFINITIONS

Sec. 34-16. Title.

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

Sec. 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.

Sec. 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:

- (1) A vehicle designed, used or maintained primarily for the transportation of property, with a gross vehicle weight of 10,000 pounds or more; or
- (2) 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
- (3) 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 inches high, of the name of the company operating such vehicle.

Contractor parking permit means 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.

Paid parking space means a designated parking space where parking is permitted upon the payment of a fee.

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 or their representative of a vehicle bearing a license plate that has been issued a citation, may contest the issuance of the citation or the immobilization of a vehicle. ~~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.~~

Pay station means a mechanical or electronic timing device authorized by ordinance of this municipality to be used for the purpose of regulating or controlling parking and which is actuated by the payment of authorized legal tender by manual or electronic means.

Residential parking permit means an identification credential affixed to a vehicle issued to a resident vehicle by the City in accordance with the provisions of this section.

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.

Sec. 34-19. Administrative authority.

The provisions of this chapter shall be enforced by the city manager or his or her designee.

Sec. 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.

Sec. 34-21. Paid parking zones.

Certain described parts of streets, City-owned and/or operated off-street lots, parking structures, or property and parks, beach and recreation areas, or other property within the City limits may be designated by the City Commission as paid parking zones. In such zones, the City Manager or his/her designee shall cause pay stations or similar equipment to be installed in accordance with the provisions of this chapter.

Secs. 34-~~21~~22—34-25. Reserved.

SECTION 2. Chapter 34, Article II – Stopping, Standing and Parking, Division 2. Fee Authority and Types is hereby amended so that the same shall read thereafter as follows:

DIVISION 2. FEE AUTHORITY AND TYPES

Sec. 34-26. Fees—City commission to establish.

The city commission shall have the authority to set fees by resolution.

Sec. 34-27. Same—Types enumerated.

Fees may be charged for the following:

- (1) Temporary 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.

(6) Use of a City owned or operated paid parking zone, space, or other parking facility or property.

Secs. 34-28—34-30. Reserved.

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

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 in a way that would prohibit a vehicle from parking in the adjoining spot.
- (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 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 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 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 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 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 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, lawn care 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.

(6) A violation of this subsection is a level III violation.

- (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 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 F.S. § 316.1958 or F.S. § 320.0848 or a license plate issued under F.S. §§ 320.084,

320.0842, 320.0843, or 320.0845, 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 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 F.S. ch. 316.
- (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.

Sec. 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 commercial 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 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.

Sec. 34-33. Continuous parking.

- (a) It is unlawful for any person to permit a vehicle to remain in any parking space for more than 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 four 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 offense under subsection (a) of this section and one offense under subsection (b) of this section shall be deemed to have occurred on any one date. In the case of any continuous parking in violation of subsection (a) or subsection (b) hereof covering parts of two or more dates, one offense under subsection (b) shall be deemed to have occurred on each of such dates.

Sec. 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 hours.

Sec. 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 hours after a citation has been issued for violation of subsection (a) of this section. If a vehicle remains parked after two hours, the police department may have the vehicle towed in accordance with section 34-57 of this chapter.

Sec. 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 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 hours after the issuance of a ticket shall subject the non-motorized vehicle to immobilization and/or impoundment as provided under this chapter.

SECTION 4. Chapter 34, Article II – Stopping, Standing and Parking, Division 4. Permits, Permit Regulations is hereby amended so that the same shall read thereafter as follows:

DIVISION 4. - PERMITS, PERMIT REGULATIONS

Sec. 34-41. On-street parking permits.

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 manager's office.

Sec. 34-42. Business parking permits.

- (a) Businesses may request a business commercial 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 Commercial parking permits may be used only in loading zones in the downtown area of the city. Parking is restricted to the 30-minute time limit as permitted by subsection 34-32(b) of this code.
- (c) A business commercial parking permit is valid only for the city fiscal year in which it

was issued.

Sec. 34-43. Contractor parking permits.

- (a) Contractors, ~~or~~ business owners, or residents 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 or residence 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 a.m. and 6:00 p.m. and is not space specific or "unlimited", which provides for a specific space or spaces to be temporarily assigned to the permit holder.

Sec. 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 ten days. Vehicles parked for more than ten days must be located on the 3rd, 4th or 5th floor of the City Hall parking garage.
- (d) A marina parking permit expires upon the expiration or termination of permit holder's marina lease.

Sec. 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 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 days and may be renewed as necessary.

Sec. 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.

Secs. 34-47—34-50. - Reserved

SECTION 5. Chapter 34, Article II – Stopping, Standing and Parking, Division 5. Paid Parking Regulations is hereby added so that the same shall read thereafter as follows:

DIVISION 5. PAID PARKING REGULATIONS

Sec. 34-48. Hours of operation for paid parking; hours of enforcement.

- (a) Paid parking zones, as designated by the City Commission, shall be posted with or display specific hours of operation and enforcement.
- (b) It is unlawful to park in a paid parking space without complying with the provisions of this chapter during the hours of operation.

Sec. 34-49. Duty of operators of vehicles to actuate the pay station; parking beyond time fixed for such vehicle.

- (a) When any vehicle shall be parked in any parking space, where controlled by a paid parking station, the owner or operator of such vehicle shall, upon entering the parking space, immediately initiate payment by manual or electronic means and/or by payment of authorized legal tender.
- (b) It is unlawful for any person to allow a vehicle to remain parked in any parking space, where controlled by a paid parking station, without making payment of authorized legal tender by manual or electronic means.

- (c) It is unlawful for any person to permit a vehicle to remain or be placed in any parking space when the pay station indicates that parking time limits have expired.
- (d) It is unlawful and an offense for any person to deface, injure, tamper with, open, willfully break, destroy, or impair the usefulness of any pay station or equipment installed on any City-owned or operated parking lot, garage, public street or other property or to make any attempt thereof.
- (e) It is unlawful for any person to permit a vehicle to remain in any parking space for more than four (4) hours after a citation has been issued for violation of subsections (a) and (b) of this section.
- (f) For any continuous parking in the same parking space, no more than one (1) offense under subsections (a) or (b) of this section and one (1) offense under subsection (d) of this section shall be deemed to have occurred on any one (1) date. In the case of any continuous parking in violation of subsections (a) or (b) or subsection (d) hereof covering parts of two (2) or more dates, one (1) offense under subsections (a) or (b) and one (1) offense under subsection (d) shall be deemed to have occurred on each of such dates.

Sec. 34-50. - Reserved

SECTION 6. Chapter 34, Article II – Stopping, Standing and Parking, Division 5. Penalties and Enforcement is hereby renumbered and amended so that the same shall read thereafter as follows:

DIVISION 56. PENALTIES AND ENFORCEMENT

Sec. 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~~ chapter, 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 subsection 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 of subsection 34-31(p) Parking in spaces for persons with disabilities 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 subsection 34-31(o), parking in fire lanes, shall be a class II violation.~~
- ~~(g)~~ f) Any penalty not paid to the city within 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)~~ g) 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 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)~~ h) ~~The department of community response shall conduct a~~ A preliminary review ~~off~~ all parking citation appeals shall be conducted within seven 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 and 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.

Sec. 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 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 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.

Sec. 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 \$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 subsection 34-31(i) exists, relating to motor vehicles of 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 24 hours of the immobilization.

Sec. 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 the process the person must follow~~ 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.

Sec. 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.

Sec. 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 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~~ five business days 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:
 - (1) Affirm the immobilization and the matter will be scheduled to be heard by the special magistrate.
 - (2) Find the appeal valid and allow the release of the ~~immobilization device without penalty submitted bond~~.
- (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 eChapter 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.

Sec. 34-57. Impoundment of vehicles.

- (a) Impoundment referred to in this chapter shall be done in accordance with F.S. § 713.78. A vehicle impounded under this chapter will be subject to all liens and terms described in F.S. ch. 713, 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 subsection 34-53(b), related to unresolved immobilization of vehicles.

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

- (a) An immobilized vehicle under this chapter may be released by the city upon:
 - (1) ~~p~~Payment of all parking fines, costs, and immobilization fees; ~~or~~
 - (2) ~~a~~A city review and determination to release the immobilization device without penalty; or
 - (3) ~~u~~Upon a special magistrate finding in favor of the person challenging the

immobilization.

(b) A vehicle impounded under this chapter may be released upon:

(1) ~~p~~Payment of all parking penalties, costs, towing, storage, and administrative fees in accordance with F.S. § 713.78; or

(2) ~~u~~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.

(3) 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.

Sec. 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.

Secs. 34-60—34-62. Reserved.