

**ORDINANCE NO. 2017-03**

**AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 62, ARTICLE II, "STOPPING, STANDING, AND PARKING;" INCREASING CIVIL PENALTIES FOR CERTAIN PARKING VIOLATIONS; INCREASING THE DELINQUENT FEE PENALTY ASSESSED WHEN AN INDIVIDUAL FAILS TO RESPOND TO A PARKING VIOLATION NOTICE; PROHIBITTING THE PARKING OF IMPROPERLY REGISTERED VEHICLES UPON PUBLIC STREETS OR CITY OWNED PROPERTY; PROVIDING FOR IMMOBILIZATION AND IMPOUNDMENT OF VEHICLES PARKED UPON PUBLIC STREETS OR CITY OWNED PROPERTY WITHOUT PROPER REGISTRATION; PROVIDING FOR THE WITHHOLDING OF LICENSE PLATES AND RENEWAL STICKERS BY THE STATE FOR UNPAID PARKING VIOLATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Edgewood Code of Ordinances provides civil penalties for the violation of parking regulations; and

**WHEREAS**, the civil penalties assessed for violations of parking regulations have not been amended since 1993; and

**WHEREAS**, the Edgewood City Council hereby finds that in order to effectively enforce parking regulations it is necessary to increase the civil penalties assessed for parking violations; and

**WHEREAS**, currently the City only charges a \$1.00 delinquent fee when a person issued a parking violation fails to respond to such violation notice; and

**WHEREAS**, The Edgewood City Council hereby finds that in order to effectively enforce parking regulations it is necessary to increase the delinquent fee assessed to a person who fails to respond to a parking violation notice; and

**WHEREAS**, pursuant to Section 320.07, Florida Statutes, a vehicle may not be operated upon the roads of the State without proper registration; and

**WHEREAS**, the City Council of the City of Edgewood hereby finds it appropriate to provide for the immobilization and impoundment of vehicles without proper registration parked upon public streets or City owned property in order to improve the City’s ability to enforce vehicle registration requirements; and

**WHEREAS**, Sections 316.1967 and 320.03, Florida Statutes, provide procedures for the City to provide to the State information related to outstanding parking violations and for the County Tax Collector to withhold issuance of a license plate or renewal sticker based on outstanding parking violations; and

**WHEREAS**, the City Council of the City of Edgewood hereby finds it appropriate to provide for the City’s participation in the process described in Sections 316.1967 and 320.03, Florida Statutes, in order to improve the City’s ability to enforce parking violations.

**NOW, THEREFORE, BE IT ENACTED** by the City Council of the City of Edgewood, Florida as follows:

**NOTE:** Underlined words constitute additions to the City of Edgewood Code of Ordinances, ~~strikethrough~~ constitutes deletions from the original Code of Ordinances, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged.

**Section 1.** Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this ordinance.

**Section 2.** Chapter 62, Article II, “Stopping, Standing, and Parking,” of the City of Edgewood Code of Ordinances shall be amended as follows:

\* \* \*

Sec. 62-26. - Schedule of civil penalties for parking violations.

There is hereby adopted the following schedule of civil penalties for parking violations occurring within the city for which payment may be made to the general fund:

Violation	Amount of Civil Penalty
Parking where prohibited by official signs	\$ <del>30.00</del> <u>40.00</u>
Parking in bus space or taxi stand	<u>30.00</u> <del>20.00</del>

Parking on sidewalk or unpaved right-of-way	<u>30.00</u> <del>40.00</del>
Parking in passenger loading zone	<u>30.00</u> <del>20.00</del>
Parking by yellow curb (on sign)	<u>30.00</u> <del>40.00</del>
Parking over the lines used to indicate spaces where parking is permitted	<u>30.00</u> <del>40.00</del>
Parking against traffic flow (wrong direction)	<u>30.00</u> <del>20.00</del>
Unauthorized parking in reserved space	40.00
Unauthorized parking in space for disabled	150.00
Unauthorized parking in freight loading zone	<u>30.00</u> <del>20.00</del>
Obstructing traffic	<u>30.00</u> <del>20.00</del>

\* \* \*

Sec. 62-30. - Disposition of parking fines and forfeitures; procedures upon noncompliance with parking violation notice.

- (a) All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this article shall be paid into the city treasury and deposited in the general fund of the city.
- (b) If any person summoned by a parking violation notice affixed on a motor vehicle does not respond to such notice within the time specified on such notice, the parking fines section shall assess a \$20.00 ~~4.00~~ delinquent fee per violation against the registered owner of the motor vehicle. In addition, a notice of summons shall be sent, by certified mail, to the registered owner of the motor vehicle which was cited, informing such owner of the parking violation notice and the failure to comply therewith. Such notice shall direct the recipient to respond within ten calendar days; otherwise, a summons will be issued for failure to comply with section 62-31. Costs in the amount of \$5.00 shall be assessed incident to this notification process.
- (c) If a response is not made within the time period specified in the notice of summons, a summons will be issued commanding an appearance before a judge of the court and the service of process charge of \$10.00 per summons shall be assessed.
- (d) After issuance of summons, a hearing on the charge of failure to comply shall be scheduled and such charge prosecuted by the city prosecutor in the county court.

- (e) Any person who fails to respond to the original parking violation notice within the time period specified on such notice shall be deemed to have waived the right to contest the merits of such parking violation.
- (f) A violation of section 62-31 shall be deemed a separate and distinct violation and shall not be construed to be merged with or a part of the original parking violation.

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Secs. 62-35 - Parking on public property of vehicles without affixed current and valid registration license plate and validation sticker; removing, impounding, or immobilization of vehicles without affixed current and valid registration license plate and validation sticker.

- (a) No person shall stop, stand, or park a vehicle upon any public street or upon any property owned and controlled by the city unless such vehicle has affixed to it a current and valid registration license plate and validation sticker.
- (b) Any motor vehicle without a current and valid license plate and validation sticker affixed to it found parked at any time upon any public street or upon any property owned and controlled by the city may, in addition to the issuance of a parking violation notice, be immediately immobilized by or under the direction of a police officer in such a manner as to prevent its operation. No such vehicle shall be immobilized by any means other than the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.
- (c) It shall be the duty of the police officer immobilizing such motor vehicle, or under whose direction such vehicle is immobilized, to post on such vehicle, in a conspicuous place, notice sufficient to inform the owner or operator of the vehicle that:
  - (1) Such vehicle has been immobilized pursuant to and by the authority of this section of the Code of Ordinances: and
  - (2) The owner of such immobilized vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle upon payment to the police department the fine prescribed in Division 2 of this article for the offense of parking a vehicle without a current and valid registration license plate and validation sticker affixed to it.
- (d) It shall be unlawful for anyone, except those persons authorized by the police department, to remove or attempt to remove, tamper with, or in any way damage or alter the immobilization device.
- (e) If the owner of the immobilized vehicle, or other duly authorized person, does not make arrangements for removal of the immobilization device in accordance with the foregoing provisions within 24 hours of the time such motor vehicle was immobilized, a police officer of the city is hereby authorized to have such vehicle towed by the city's authorized towing company.

- (1) The owner of the vehicle shall be responsible for any and all towing and storage charges along with the civil penalty identified in Division 2.
- (2) The penalty must be remitted prior to the release of the vehicle.

**Sec. 62-36 - Withholding of issuance of license plates and stickers by state.**

- (a) In accordance with Section 316.1967, Florida Statutes, the city police department may prepare and supply to the state department of highway safety and motor vehicles, traffic violations bureau, a list of persons who have three or more outstanding parking violations on a magnetically encoded computer reel, cartridge, or by any other electronic means which is machine readable by the installed computer system at the department, listing persons who have outstanding parking violations which occurred within the city.
- (b) If a person's name appears on the list referred to in subsection (a) of this section, the tax collector shall, in accordance with F.S. §§ 316.1967 and 320.03, not issue a license plate or revalidation sticker to such person until such person's name no longer appears on the list or until the person presents a receipt showing that such parking fines and all applicable late charges or other related charges have been paid, and also pays an administrative service charge to the tax collector.
- (c) Pursuant to the authority granted in F.S. §§ 316.1967 and 320.03, this section shall be applicable throughout the city; providing, however, that the police department responsible for enforcement of parking violations in the city shall be responsible for preparing and supplying the applicable list of persons who have three or more outstanding parking violations.

**Section 3.** The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Edgewood.

**Section 4.** Severability. If any section, sentence, phrase, word or portion of this ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

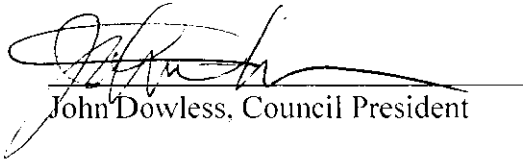
**Section 5.** Conflicts. All ordinances that are in conflict with this Ordinance are hereby repealed.

**Section 6.** Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

FIRST READING: July 18, 2017.

SECOND READING: September 19, 2017.

**PASSED AND ADOPTED** this 19th day of **September, 2017** by the City Council of the City of Edgewood, Florida.

  
John Dowless, Council President

*ATTEST:*

  
Bea L. Meeks, MMC, CPM, CBTO  
City Clerk