ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 25, ENTITLED "TRAFFIC", AT ARTICLE III, ENTITLED "PARKING, STOPPING AND STANDING", DIVISION 1, ENTITLED "GENERALLY"; AT SECTION 25-48, ENTITLED " PARKING NOT TO OBSTRUCT TRAFFIC"; SECTION 25-66, ENTITLED "PARKING PROHIBITED AT CERTAIN LOCATIONS"; TO CLARIFY THAT TRAILERS, MOBILE LIVING UNITS, TRUCK OVER ONE TON IN WEIGHT, OR ANY VESSEL PARKED IMPROPERLY SHALL BE SUBJECT TO A GREATER FINE THAN A PERSONAL VEHICLE; AND RESEEVING SECTION 25-79, CURRENTLY ENTITLED "FINES"; PROVIDING FOR CODIFICATION, PROVIDING FOR CODIFICATION, CONFLICTS; SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Community Development Department (the "Department") staff has evaluated existing parking violation fines/penalties and have determined that an update to the fine schedule should be made as well as to how to assess the fine for larger vehicles as defined below; and

WHEREAS, the City has determined that any trailer, mobile living unit (including but not limited to a recreational vehicle), truck over one ton in weight, or vessel parked improperly shall be subject to a greater fine as identified in Section 2-58 of the City's Code of Ordinances, due to the greater size, or length of same; and

WHEREAS, the proposed fine/civil penalty schedule is reasonable, and the City Commission deems it to be in the best interest of the City to adopt the foregoing amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That the above "WHEREAS" clauses are ratified and confirmed as being true and correct, and they are made a part of and incorporated into this Ordinance by this reference.

Section 2. That Chapter 25, entitled "Traffic", at Article III, entitled "Parking, Stopping And Standing", at Section 25-79, entitled "Fines" to update the fine schedule; is amended as follows:

CHAPER 25

TRAFFIC

ARTICLE III. PARKING, STOPPING AND STANDING.

* * *

DIVISION 1. – GENERALLY.

* * *

Sec. 25-48. - Parking not to obstruct traffic.

Where streets are not completely paved or curbs provided, the parking of any motor vehicle shall not usurp any of the traveled portion of the street. Any trailer, mobile living unit (including but not limited to a recreational vehicle), truck over one ton in weight, or vessel parked improperly shall be subject to a greater fine as identified in Section 2-58, of the City's Code of Ordinances, per 24 hour period, due to the greater obstruction of the roadway due to size, or length of same.

Sec. 25-66. - Parking prohibited at certain locations.

(a) It shall be unlawful for any vehicle owner to park, stop, store or to permit parking, stopping or storing of a motor vehicle, mobile living unit (including but not limited to a recreational vehicle), boat, trailer, or other type of vehicle, as defined in this chapter, upon any public or private yard, grass area, unpaved area, sidewalk, curb, unpaved portion of public right-of-way or other unapproved parking area unless it is parked on a paved and properly permitted driveway or parking lot that provides access to a carport or garage that is incorporated into a main structure or that provides access to a parking area located entirely within the side or rear yard or provides access to a business.

(b) For the purposes of this section, parking in the front yard shall not be prohibited if the vehicle is parked for the limited purpose of loading, unloading or washing. This exception shall apply only while the owner or operator of the motor vehicle is actively engaged in the task, and in no event shall this exception apply for more than three (3) hours in any given twenty-four-hour period.

(c) This section shall not apply to authorized emergency vehicles parked while emergency personnel are responding to a call or otherwise rendering assistance. Authorized emergency vehicles shall include police and fire vehicles, as well as ambulances and hearses.

(d) Locations granted a variance for parking in the front yard or that are recognized as having a legal existing nonconforming parking surface shall be deemed to be in compliance with this section.

(e) Any trailer, mobile living unit (including but not limited to a recreational vehicle), truck over one ton in weight, or vessel parked improperly shall be subject to a greater fine as identified in Section _2-58 of the City's Code of Ordinances, per 24 hour period, due to the greater obstruction of the roadway due to size, or length of same.

* * *

Sec. 25-79. Reserved. ~~Fines.~~

~~The following fines payable to the city are established for improper parking within city limits:~~

~~(a) *Restricted parking:* Any person parked or found in violation of sections 25-86(a), 25-86(c), 25-87, 25-88, 25-45(i), 25-43, 25-57, 25-50, 25-123, 25-45(a)—(c), or 25-63 shall be liable for payment of a fine of thirty-five dollars ($35.00).~~

~~(b) *Improper parking:* Any person parked or found in violation of sections 25-51, 25-120, 25-45(g), 25-47, 25-52, 25-53 or 25-54 shall be liable for payment of a fine of thirty-five dollars ($35.00).~~

~~(c) *Prohibited parking:* Any person parked or found in violation of sections 25-41, 25-49, 25-44, 25-45(d), 25-45(f), 25-45(h), 25-59, 25-48, 25-45(i) or 25-55 shall be liable for payment of a fine of thirty-five dollars ($35.00).~~

~~(d) *Hazardous parking/private lands parking:* Any person parked or found in violation of sections 17-14, 25-104, 25-107, 25-121, 25-122, 25-58, 25-64, 25-65, 25-66, 25-67, 25-56, 25-60, 25-61, 25-45(a), (e) or 25-62 shall be liable for payment of a fine of thirty-five dollars ($35.00).~~

~~(e) *Disabled parking:* All persons parked or found in violation of section 25-46 shall be liable for payment of a fine of two hundred fifty dollars ($250.00).~~

~~(f) *Surcharge for school crossing guard program:* In addition to the fines provided for in this section, a five dollar ($5.00) surcharge to provide funds for the city's school crossing guard program shall be added to each fine imposed for each parking violation, as authorized by state law.~~

~~(g) *General penalty:* In this chapter, where no specific penalty is provided, and an act is prohibited or declared to be unlawful or identified as an offense, or whenever in this chapter the doing of an act is required or the failure to do an act is declared to be unlawful, the violator of any applicable provision shall be liable for payment of a fine of thirty-five dollars ($35.00).~~

* * *

Section 3. That if any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. That all ordinances or part of ordinances in conflict with the provisions of the Ordinance are repealed.

Section 5. That it is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. That this Ordinance shall be effective 10 days after passage.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____, 2024.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION:	Unanimous ____	
	Yes	No
Commissioner Joyce L. Davis	____	____
Commissioner Tamara James	____	____
Commissioner Marco Salvino		____ ____
Vice Mayor Lori Lewellen	____	____
Mayor Archibald J. Ryan IV	____	____

ATTEST:

_____ _____

ELORA RIERA
CITY CLERK

ARCHIBALD.J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

_____

EVE A. BOUTSIS
CITY ATTORNEY