

ORDINANCE NO. 602

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA ESTABLISHING A PARKING ORDINANCE FOR THE CITY; PROVIDING THE AUTHORITY TO DO SO; PROVIDING WHAT CONSTITUTES A PARKING VIOLATION; PROVIDING FINES/PENALTIES; PROVIDING ENFORCEMENT; PROVIDING FOR THE SEGREGATION OF FINES/PENALTIES COLLECTED AND THE LIMITS ON THE EXPENDITURE OF THOSE FUNDS; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Port St. Joe, Florida, has determined that a parking ordinance is necessary in the City of Port St. Joe; and

WHEREAS, it is the intent of the City Commission with this Ordinance to Establish a parking ordinance with fines/penalties within the City of Port St. Joe; and

NOW THEREFORE, be it enacted by the people of the City of Port St. Joe, Florida as follows:

1. DEFINITIONS.

- A.** *Park or parking* means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actively engaged in loading and unloading merchandise or passengers.
- B.** *Public street or highway* means any maintained driving surface intended for through travel within a right-of-way or dedicated easement, including the right-of-way or dedicated easement of the City.
- C.** *Right-of-way* means land in which the City, or any other public or private entity, owns the fee or has an easement devoted to or required for use as a transportation facility.
- D.** *Travel lane* means the portion of the roadway designed and intended for through travel of vehicles, specifically excluding shoulders, berms, sidewalks, ditch and swale, slopes, and parking lanes. The edge of the travel lane is delineated by the solid white painted edge line when present; the edge of pavement where no edge line

is present; the edge of stabilized surface when the road surface is unpaved; the inside toe of the windrow on graded surfaces; and the outside edge of the wheel ruts on ungraded surfaces.

E. *Curb* means any concrete border along the edge of a travel lane intended to direct stormwater runoff or to restrain movement of traffic.

F. *Medium and Heavy truck* means any vehicle heavier or larger in size than a one-ton, dual rear wheel pick-up truck.

2. **AUTHORITY.** The City of Port St. Joe has authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, Chapter 166, Florida Statutes and Section 316.1967, Florida Statutes.

3. **Manner of Parking.**

A. Parking shall be a lawful use of the right-of-way in public streets or highways where it does not create a safety problem due to obstruction of the travel lane, obstruction of sight distance, or damage to the clear zone.

B. Upon portions of streets extending from Highway 98 to Williams Avenue, First Street to Cecil G. Costin Sr. Boulevard that have been marked or signed for parallel or angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or signs, within the marked parking space, out of the travel lane, and not obstructing any pedestrian walkway.

C. It shall be unlawful for any person to park any of the following along or upon any of the public streets between 1st Street and Cecil G. Costin Sr. Boulevard and Highway 98 and Williams Avenue: (Exception to delivery vehicles in the Alley ways behind business' along Reid Avenue)

1. Motor vehicles with a trailer attached;
2. Motor coaches;
3. Medium and Heavy trucks;
4. Travel trailers, camping trailers, park trailers, fifth-wheel trailers, semi-trailers, utility/enclosed/flat bed/etc or any other kind of trailer
5. Mobile homes or manufactured homes.

This section shall not apply to vehicles and trailers parked on public property specifically designated for such parking.

D. **Double parking**, double standing or double stopping, except to unload passengers or merchandise in designated loading areas.

E. **No lodging in vehicles.**

It shall be unlawful for any person to lodge in, on or about any automobile, truck, trailer, camping or recreational vehicle or similar vehicle in any public street, public park area, public

way, right-of-way, parking lot or other public property within the limits of the City of Port St. Joe.

F. Violation of handicapped parking spaces.

The penalty for violation of F.S. § 316.1955 or 316-1956 shall be a fine of \$250.00.

G. Impounding Vehicles Illegally Parked.

Law enforcement officers acting within their jurisdiction may impound any unoccupied vehicle parked in violation of this ordinance and to release such vehicle to its owner subject to the payment of a court fine and any storage, towing, or other impounding charges.

H. Ownership of Vehicle Prima Facia Evidence of Responsibility.

In any prosecution charging a violation of this ordinance, proof that the vehicle described in the complaint was stopped, parked or operated in violation of this ordinance, together with proof that the defendant named in the complaint was the registered owner of such vehicle at the time of the alleged violation, shall be prima facie evidence that the defendant/owner was the person who stopped, parked or operated the vehicle in violation of this ordinance. This presumption may be rebutted if the registered owner furnishes evidence to the appropriate law enforcement authorities that another person had custody or control of the vehicle at the time of the violation, including the name and address of the person who committed the violation. The registered owner of a vehicle shall not be responsible for any violation of this ordinance if, at the time of the violation, the vehicle was stolen or was in the custody or control of a person whom the registered owner had not authorized to use the vehicle.

I. Parking Ticket Citations.

Every prosecution on any charge involving any violation of this Ordinance shall be by the issuance of a parking ticket citation. Any person who is issued a municipal parking ticket by a parking enforcement specialist or officer is deemed to be charged with a noncriminal violation and shall comply with the directions on the ticket. If payment is not received or a response to the ticket is not made within the time period specified thereon, the citation will be forwarded to the county court or its traffic violations bureau and they shall notify the registered owner of the vehicle that was cited, or the registered lessee when the cited vehicle is registered in the name of the person who leased the vehicle, by mail to the address given on the motor vehicle registration, of the ticket. Mailing the notice to this address constitutes notification. Upon notification, the registered owner or registered lessee shall comply with the court's directive.

J. Failure to appear and pay fine within prescribed time.

If the person accused of a violation does not appear to answer a citation affixed to his motor vehicle within a period of 30 days the Clerk of Courts shall send the owner of the motor vehicle to which the citation was affixed a letter informing him of the violation, requesting payment and warning him that if such request is not complied with within a period of 30 days after the date of such notice the citation will then be forwarded to the courts.

K. Procedure for forwarding information to state.

Pursuant to F.S. § 316.1967, the city traffic violations bureau shall supply the state department of highway safety and motor vehicles with a magnetically encoded computer tape reel or cartridge

which is machine readable by the installed computer system at the department, listing persons who have three or more outstanding parking violations.

4. VIOLATION. Any person violating the ordinances as set forth herein shall be in violation of this Ordinance and guilty of a civil infraction.

5. FINE/PENALTY. The Civil Fine/Penalty for the violation of this Ordinance shall be the amount of \$65.00 (Sixty-Five Dollars) plus administrative and court costs. Any citations paid later than 30 days will be assessed an additional \$40.00 (Forty Dollars) Administrative fee.

6. ENFORCEMENT. This Ordinance will be enforced by the Port St. Joe, Police Department and any agent of the City of Port St. Joe pursuant to Chapter 316.1967 Florida Statutes and the Gulf County Clerk of the Circuit Court via Chapter 28.2402 Florida Statutes.

7. SEGREGATION OF FINES/PENALITIES COLLECTED AND LIMITATION ON THE EXPENDITURE OF THOSE FUNDS.

A. City General Fund revenue generated by the fines/penalties collected for violations of this Ordinance shall be segregated from other General Fund revenue. City staff shall be responsible for the manner of segregation and a separate fund is not required.

B. No funds collected pursuant to this Ordinance shall be used for any expenditure other than those related to parking issues within the City. Notwithstanding the foregoing the City Commission may approve expenditure of funds not related to parking issues within the City. However, those expenditures of funds not related to parking issues within the City cannot exceed 20% (twenty percent) of the total amount of funds held at that time and can only be in the form of a loan which must be paid back to the Parking Fund within a time period not to exceed 5 (five) years and at a annual interest rate of 0% (zero percent)

8. SEVERABILITY: If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

9. REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

10. EFFECTIVE DATE: This ordinance shall become effective upon adoption.

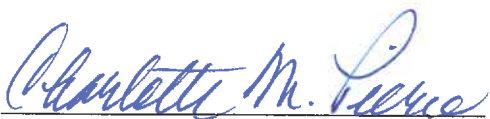
THIS ORDINANCE ADOPTED this 15th day of August, 2023.

**BOARD OF CITY COMMISSIONERS
PORT ST. JOE, FLORIDA**



REX BUZZETT
MAYOR-COMMISSSIONER

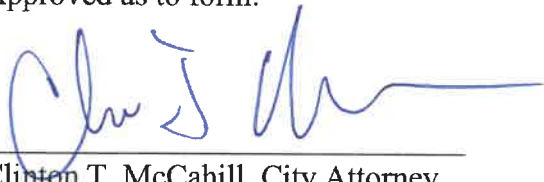
ATTEST:



CHARLOTTE M. PIERCE

CITY CLERK

Approved as to form:



Clinton T. McCahill, City Attorney