

ORDINANCE NO. 2017-01

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING CHAPTER 24, ARTICLE IV, ENTITLED "PARKING, STOPPING, AND STANDING ENFORCEMENT" OF THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, TO PROVIDE FOR DEFINITIONS AND PROHIBITED PARKING ON STREETS WITHIN THE TOWN'S MUNICIPAL BOUNDARIES; AUTHORIZING THE ISSUANCE OF CITATIONS FOR NON MOVING VIOLATIONS; AUTHORIZING SERVICE OF PARKING TICKETS ON PARKED VEHICLES; AUTHORIZING THE REMOVAL AND IMPOUNDMENT OF VEHICLES IN VIOLATION; PROVIDING FOR INCLUSION IN THE TOWN CODE, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Southwest Ranches wishes to update its Ordinances to provide for laws which govern stopping, standing and parking of vehicles within the Town, to comply with current State laws; and

WHEREAS, the Town of Southwest Ranches desires to provide for the regulation of the operation of motor vehicles, traffic and parking within its municipal boundaries; and

WHEREAS, the Town of Southwest Ranches believes that it is in the best interest of the health, safety, and welfare of its residents to provide for the enforcement of the violations of these regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, THAT:

SECTION 1. The following new sections shall be codified within Chapter 24, Article IV, entitled "Parking, Stopping, and Standing Enforcement," and shall be codified as follows:

Sec. 24-44. - Parking control devices—Defined.

For the purposes of this article, a "parking control device" is defined to include, but not be limited to, parking meters, pavement markings, and signs. To the extent practicable, these devices shall conform to commonly recognized state or county devices used for the same purpose in other jurisdictions. However, nothing in this section shall invalidate any parking-control device installed at the discretion, direction, or approval of the Town, the State, or Broward County.

Sec. 24-45. - Same—Adherence to.

It shall be a violation of this article for any person to stop, stand, or park a vehicle in a manner other than that required by the parking-control device placed at that location under the authority of the preceding section.

Sec. 24-46. - Temporary parking.

Nothing herein shall prohibit the reasonable parking and use of any vehicle or equipment at a location while performing lawful and authorized work, public or private, at the location, including:

- (a) Tradesmen performing service work or making deliveries of merchandise.
- (b) Public service work.

- (c) Temporary parking for the purpose and actual performance of loading or unloading a vehicle in preparation for or upon return from the use of said vehicle; provided, however, that any vehicle so parked be kept in the driveway where possible.

Sec. 24-47. - Parking for certain purposes prohibited.

No person shall park a vehicle upon any street, swale, public right-of-way, or vacant unimproved real property for the principal purpose of:

- (a) Displaying such vehicle for sale.
- (b) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.
- (c) Displaying advertising.
- (d) Selling merchandise from such vehicle except in a duly established location, or when so authorized or licensed under the ordinances of this municipality.
- (e) Storage or as junkage or dead storage for more than twenty-four (24) hours.

Sec. 24-48. – Prima Facie Evidence & Right of Removal

- (a) It shall be prima facie evidence that a vehicle is parked for the purpose of dead storage when such vehicle is parked upon any street, public right-of-way or vacant unimproved real property for more than twenty-four (24) consecutive hours.
- (b) The police department or code enforcement officer of the town shall have the authority to remove or tow away, at the expense of the owner of a wrongfully parked vehicle, any vehicle in violation of this section.

Sec. 24-49. - Parking prohibited at all times at certain places.

No person shall park a vehicle at any time on any of the following parts of streets, swales, sidewalks or sidewalk areas where signs are erected giving notice thereof:

- (a) Certain buildings. In front of the entrance to any building where, in the opinion of the chief of police or town administrator, parking should be prohibited for public safety.
- (b) Near traffic control device. Within thirty (30) feet on either side of any traffic-control device, such as stop signs, yield signs or otherwise.
- (c) Excavation or construction zones. In any area designated as an excavation or construction zone.
- (d) Fire hydrants/Fire wells. Within fifteen (15) feet on either side of any fire hydrant/fire well.
- (e) Facing oncoming traffic. On any street, right-of-way, or within a swale area that is within five (5) feet of any street or right-of-way, in such a manner as to face oncoming, opposing traffic, whether or not curbing is present.
- (f) Adjacent to schools. Upon either or both sides of any street adjacent to any school.
- (g) Narrow streets. Upon certain narrow streets, which impedes the flow of traffic.

Sec. 24-50. - Handicapped parking spaces.

- (a) The provisions contained in Florida State Statutes, section 316.1964, entitled "Exemption of vehicles transporting certain persons who have disabilities from payment of parking fees and penalties"; Section 316.1955, entitled "Enforcement of parking requirements for persons who have disabilities"; and Section 316.1957, entitled "parking violations; designated parking spaces for persons who have disabilities" are hereby adopted and incorporated by reference into this section.
- (b) Any person who parks, stops or stands a motor vehicle in any space designated "handicapped only" shall be in violation of this section unless the proper permit and license plate and tag designated by said statutes is properly and prominently displayed on such motor vehicles.

Sec. 24-51. - Parking within lines.

It shall be a violation for any vehicle to be parked so that a portion of the vehicle extends over the lines delineating the parking space for that vehicle such that the improperly parked vehicle either impedes the flow of pedestrian or vehicular traffic, or alters the ability to park an adjacent vehicle.

Sec. 24-52. - Parking not to obstruct traffic.

It shall be a violation for any vehicle to be parked on any street or traffic way in such a way as to obstruct or hinder the flow of traffic thereon.

Sec. 24-53. - Standing in 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.

Sec. 24-54. - Angle parking, backing prohibited.

In spaces marked for angle parking, all vehicles shall be parked with the front end facing into the space provided for parking in all public areas within the town. The operators of vehicles are prohibited from backing any vehicle into such angle parking spaces. No person shall stop, stand or park a vehicle other than at the angle to the curb or into the roadway indicated by such signs or markings.

Sec. 24-55. - Diagonal and parallel parking.

When signs authorized by the town, are erected giving notice of diagonal and parallel parking areas, it shall be a violation for any person to stop, stand or park a vehicle in this manner prohibited by said sign or pavement marking.

Sec. 24-56. - Double parking.

It shall be a violation of this section for any person to stop, stand or park any motor vehicle upon the roadway side of another vehicle that is parked, stopped or standing legally within a parking space.

Sec. 24-57. - Permit parking.

When signs authorized by the town are erected prohibiting parking in a place designated by permit only, it shall be a violation for any person to stop, stand or park a vehicle in such designated area without a proper permit.

Sec. 24-58. - Safety zone.

When the town authorizes a section of pavement to be marked with crosshatched pavement markings, or otherwise, indicating a safety zone, it shall be a violation for any person to stop, stand or park any motor vehicle in such safety zone.

Sec. 24-59. - Parking in areas designated as a fire station, fire lane or fire zone.

When signs authorized by the town are erected giving notice of a fire station, fire zone or a fire lane, it shall be a violation for any person to stop, stand or park any motor vehicle within such zone.

Sec. 24-60. - Standing in loading zones.

- (a) Passenger zone. No person shall stop, stand or park a vehicle for any purpose or period of time except for the expeditious loading and unloading of passengers in any place marked as a passenger curb loading zone during hours

when the regulations applicable to such passenger curb loading are effective, and then only for a period not to exceed five (5) minutes.

(b) Freight 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 provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (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 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.

Sec. 24-61. - Stopping, standing or parking near hazardous or congested places.

When official signs are erected at hazardous or congested places, no person shall stop, stand or park a vehicle in any such designated place.

Sec. 24-62. - Standing or parking on one-way roadways and streets.

(a) Roadways. In the event a street includes two (2) 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.

- (b) Streets. When appropriate signs are erected giving notice thereof, no person shall stand or park a vehicle upon the left-hand side of any one-way street in violation of any such sign.

Sec. 24-63. - Crosswalk or intersection.

It shall be a violation for any person to stop, stand or park any motor vehicle within twenty (20) feet from either side of any crosswalk or intersection.

Sec. 24-64. - Blocking driveways.

It shall be a violation for any person to stop, stand or park any motor vehicle so as to block any public or private driveway, unless the property owner has specifically consented to having their driveway blocked.

Sec. 24-65. - Bridge or arterial roadway.

It shall be a violation for any person to stop, stand or park any motor vehicle upon any bridge or arterial roadway.

Sec. 24-66. - Standing or parking on sidewalk.

It shall be a violation for any person to stop, stand or park a motor vehicle upon any part of any public sidewalk.

Sec. 24-67. - Unattended motor vehicle.

- (a) It shall be a violation of this section for any person to leave a motor vehicle unattended with the ignition key in the vehicle whether or not the engine is on.
- (b) Whenever any enforcement personnel shall find a motor vehicle standing unattended with the ignition key in the vehicle, in violation of this section, such enforcement personnel are authorized to remove such key from such vehicle and to post a notice in such vehicle stating where the key may be recovered.

This section does not apply to the operator of:

- (a) An authorized emergency vehicle while in the performance of official duties and the vehicle is equipped with an activated antitheft device that prohibits the vehicle from being driven;
- (b) A licensed delivery truck or other delivery vehicle while making deliveries;
- (c) A solid waste or recovered materials collection vehicle while collecting such items; or
- (d) A vehicle that is started by remote control while the ignition, transmission, and doors are locked.

DIVISION 2. - ENFORCEMENT

Sec. 24-71. - Authority to remove and impound vehicles standing in violation of article provisions.

- (a) Whenever any police officer, or code enforcement officer finds a vehicle standing upon any street, sidewalk, or swale, in violation of any of the foregoing

provisions of this article, such officer is hereby authorized to move, have it moved, or impound the vehicle, or require the driver or person in charge of the vehicle to immediately move it.

Sec. 24-72. - Authority to issue citations for nonmoving violations.

Parking enforcement specialists are hereby authorized to issue citations for nonmoving violations of this chapter. The town council shall designate those nonmoving violations for which fines shall be established and accepted and shall further specify by suitable schedules the amount of such fines, provided such fines are within the limits provided by law.

Sec. 24-73. - Parking tickets.

The Town is authorized to have a quantity of parking tickets printed and said ticket is hereby authorized as a proper notice to be given by the police or code enforcement department to persons parking vehicles illegally or improperly. Service of said ticket may be made by leaving same in or on the parked vehicle.

Section 2: Codification. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the ~~Charter~~ Code of Ordinances of the Town, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 3: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 4. Conflicts. That all Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

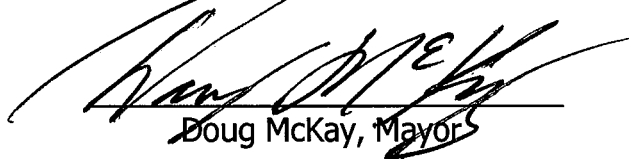
Section 5: Effective Date. This Ordinance shall take effect immediately upon adoption.


PASSED ON FIRST READING this 8th day of December, 2016 on a motion made by Vice Mayor Breitkreuz and seconded by Council Member Jablonski.

PASSED AND ADOPTED ON SECOND READING this 26th day of January, 2017, on a motion made by Vice Mayor Breitkreuz and seconded by Council Member Schroeder

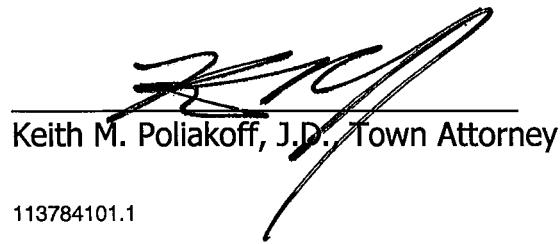
McKay	<u>Yes</u>
Breitkreuz	<u>Yes</u>
Jablonski	<u>Yes</u>
Fisikelli	<u>Yes</u>
Schroeder	<u>Yes</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>


Doug McKay, Mayor

Attest:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:


Keith M. Poliakoff, J.D., Town Attorney

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