

ORDINANCE 2021 - 013

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 28 "TRAFFIC, MOTOR VEHICLES AND BOATS", SECTIONS 28-11 THROUGH 28-15, AND 28-131 TO 28-242 TO EXPAND THE CITY'S PAID PARKING PROGRAM, CREATE PARKING ZONES, PROVIDE FOR ELECTRONIC PAYMENT OF FEES, PROVIDE FOR ELECTRIC VEHICLE CHARGING, AND CREATE A RESIDENTIAL PARKING PASS PROGRAM; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a review of the City's existing parking enforcement program revealed that there is limited parking spots in neighborhoods available due to a lack of turnover and limited off street parking; and

WHEREAS, Parking Industry Experts rely on the International Parking Institute for research, which indicates each space costs at least \$400 annually to maintain. A lack of parking enforcement results in limited revenue to maintain the rights of way and accessible parking; and

WHEREAS, Staff has noted that there are numerous abandoned vehicles, including non-operable vehicles, boats, trailers, and rigs, parked in residential neighborhoods, a situation that could be alleviated through increased parking enforcement; and

WHEREAS, Staff has retained a parking consultant, reviewed various options and recommends adoption of the instant Ordinance to institute an expanded parking enforcement program, while providing on-street parking for residents in their zone through a new Residential Pass program and discounted parking rates to residents throughout the city; and

WHEREAS, the Mayor and the City Commission have determined that it is in the best interest of the residents of the City of Hallandale Beach to amend Chapter 28 as recommended.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF HALLANDALE BEACH, FLORIDA:

SECTION 1. The foregoing "Whereas" clauses are confirmed as true and incorporated herein.

SECTION 2. Chapter 28, Article I, "In General", Section 28-11 is amended as follows:

Sec. 28-11. - Parking of vehicles and equipment in residential areas and districts.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(i) *Commercial lettering.* Any letters, pictures, numbers, logos, symbols or combinations thereof which advertise or identify a trade, business, industry, or other activity for a profit, or a product, commodity or service. The term shall not include bumper stickers affixed to bumpers only, the brand name or the decal or plate commonly applied by a motor vehicle dealer or manufacturer.

(ii) *Commercial vehicle.* Any bus, step van, truck, trailer, utility trailer, truck trailer, tow truck or wrecker, agricultural, construction or industrial equipment which has any one of the following:

- (1) Scale weight (vehicle only) in excess of 5,000 pounds.
- (2) A height of more than eight feet to the top of the vehicle, including ladders or other attachments.
- (3) A width of more than nine feet, excluding mirrors.
- (4) An overall length in excess of 22 feet.
- (5) Having more than two axles.

(iii) *Passenger vehicle.* Those vehicles designed, used or maintained primarily to transport private passengers and which are currently licensed for travel on the public highways and are capable of and equipped to be lawfully operated in such fashion under their own power.

(iv) *Recreational vehicle* means any vehicle or portable structure designed primarily to provide temporary living quarters for recreation, camping or travel use; either a vehicular structure mounted on wheels, self-powered or designed to be pulled by another vehicle, or a structure designed to be mounted upon and carried by another vehicle. This definition is intended to include travel trailer, camping-trailer, camp-bus or house-bus, and truck-camper unit of walk-in capacity.

(v) *Residential district* means any zoning use district bearing the prefix RS, RD or RM.

(vi) *Special-purpose vehicle* means a vehicle especially designed primarily for unusual terrain and conditions and which is not usually licensed for or used on the public roads, such as swamp buggies and track layers (caterpillar-track drive).

(vii) *Trailer* means a vehicular structure mounted on wheels designed to be pulled by another vehicle.

73 (viii) *Utility trailer* means a trailer designed to transport materials, goods or equipment. This
74 includes boat trailers.

75 (b) General restrictions on parking or storage of vehicles. All vehicles permitted in this section
76 to be parked or stored in residential districts, residential areas or on residential property:

77 (1) Must be on property occupied for a permitted principal use.

78 (2) Must have a currently valid license tag, if required by state law.

79 (3) Must be parked or stored with wheels and tires mounted and maintained in a
80 movable, roadworthy condition.

81 (4) May not be used for storage, as an accessory building, occupied in any manner,
82 or connected to utility or electrical service except as necessary to maintain or
83 repair such vehicle.

84 (c) Numerical restrictions on special items. No more than a maximum of two listed in this
85 section shall be parked or stored per dwelling unit: utility trailers, recreational vehicles, boats
86 exceeding 12 feet in length or having a cabin or roof structure, and special-purpose vehicles,
87 vehicles not meeting any of the dimension requirements for commercial vehicles but having
88 commercial lettering attached. Similar items in excess of these restrictions may be stored or
89 parked in a completely enclosed building. For the purposes of this restriction, a boat stored
90 upon a boat trailer shall be deemed to be one item.

91 (d) General provisions.

92 (1) Commercial vehicles shall not be parked or stored in a residential district,
93 residential area or on residential property between the hours of 9:00 p.m. and
94 6:00 a.m. unless parked or stored within a completely enclosed building.

95 (2) Items other than commercial vehicles may be parked or stored outside a
96 completely enclosed building within residential districts, residential areas or on
97 residential property only as permitted as follows:

98 a. Automobiles may be parked in the public road right-of-way, on a
99 driveway, an area constructed and permitted by the city for parking of
100 vehicles, and in the corner street side yard. However, vans and pickup
101 trucks used for commercial activities and/or which have signage attached
102 shall not be parked on the public road right-of-way. Notwithstanding the
103 provisions of paragraph (c), a resident may park only one taxi on his
104 property if the taxi is owned or operated by the resident.

105 b. Automobiles, boats, trailers, utility trailers, special-purpose vehicles and
106 recreational vehicles may be parked in the side yard and the rear yard
107 and may not exceed ten feet in height. Items parked in the side yard and
108 rear yard must be screened by a fence, wall or hedge conforming to
109 applicable height restrictions.

110 c. These provisions do not permit parking or storage of junked, wrecked or
111 inoperable vehicles. Items other than those specifically permitted in this

112 subsection are not permitted to be parked or stored in a residential
113 district, residential area or on residential property except within a
114 completely enclosed building.

115 (e) No access to side or rear yard. Where it is physically impossible to gain access to side or
116 rear yards, a permitted vehicle may be parked in the front yard on a hard-paved surface at least
117 five feet from the lot line.

118 ~~(f) Temporary waivers. The city manager may, upon application grant a temporary waiver~~
119 ~~from the requirements of this section based on the finding of a hardship or other reasons in~~
120 ~~accord with its intent. Such temporary waiver may be granted administratively and does not~~
121 ~~require city commission action. An administrative fee, which is established and on file in the city~~
122 ~~clerk's office, shall be due at the time an application for a temporary waiver is submitted. The~~
123 ~~city may terminate the temporary waiver upon presentation of evidence that the hardship no~~
124 ~~longer exists.~~

125 (g) (f) Exceptions enumerated. Nothing in this section is to prohibit the reasonable parking and
126 use of any vehicle or equipment at a location while performing lawful and authorized work,
127 public or private, at the location, including:

128 (1) Tradesmen performing service work or making deliveries of merchandise.

129 (2) Public utility service work.

130 (3) Temporary uses permitted by the city commission.

131 (4) Temporary uses accessory to valid construction permits, under supervision of the
132 city.

133 ~~(h)~~ (g) Violation; penalty. It is declared unlawful and a violation of this Code, punishable as
134 provided in city's fee schedule, to park, store or permit or allow to be parked or stored any
135 vehicle, equipment, boat or trailer in violation of the provisions of this section.

136 **SECTION 3.** Chapter 28, Article I, "In General", Section 28-15, "Stopping and parking
137 prohibitions and restrictions" is amended as follows:

138 **Sec. 28-15. - Stopping and parking prohibitions and restrictions.**

139 (a) Definitions. The following words, terms and phrases, when used in this section, shall have
140 the meanings ascribed to them in this subsection, except where the context clearly indicates a
141 different meaning:

142 (i) Electric vehicle means any vehicle that operates, either partially or exclusively, on
143 electrical energy from an off-board source, that is stored on-board for motive purpose.
144 "Electric vehicle" includes:

145 (1) Any "battery electric vehicle," defined as any vehicle that operates exclusively on
146 electrical energy from an off-board source that is stored in the vehicle's batteries,
147 and produces zero tailpipe emissions or pollution when stationary or operating;

148 (2) Any "plug-in hybrid electric vehicle (PHEV)," defined as an electric vehicle that a)
149 contains an internal combustion engine and also allows power to be delivered to

150 drive wheels by an electric motor; b) charges its battery primarily by connecting
151 to the grid or other off-board electrical source; c) may additionally be able to
152 sustain battery charge using an on-board internal-combustion-driven generator;
153 and 4) has the ability to travel powered by electricity;

154 (ii) Non-electric vehicle means any motor vehicle that does not meet the definition of
155 "electric vehicle".

156 ~~(a)~~ (b) *Generally.*

157 (1) Except when necessary to avoid conflict with other traffic, or in compliance with law or
158 the directions of a police officer or official traffic control device, no person shall:

159 a. Stop, stand or park a vehicle:

160 1. On the roadway side of any vehicle stopped or parked at the edge or curb of a
161 street.

162 2. On a sidewalk.

163 3. Within an intersection.

164 4. On a crosswalk.

165 5. Between a safety zone and the adjacent curb or within 30 feet of points on the
166 curb immediately opposite the ends of a safety zone, unless the state division
167 of road operations of the department of transportation or the county department
168 of transportation indicates a different length by signs or markings.

169 6. Upon any public street, road, highway or way upon which the public has a right
170 to travel by motor vehicle so as to impede, hinder, stifle, retard or restrain traffic
171 or passage on such place or so as to endanger the safe movement of vehicles
172 or pedestrians traveling on such place.

173 7. Upon any bridge or ramp.

174 8. On any railroad tracks.

175 9. At any place where official signs prohibit stopping.

176 10. Within any parking space specifically designated and marked for the exclusive
177 use of physically disabled persons, unless such vehicle displays a parking
178 permit issued for such purpose by the state department of highway safety and
179 motor vehicles and/or is transporting a person eligible for such parking permit.
180 Any person who is chauffeuring a disabled person shall be allowed, without
181 need for an identification parking permit, to momentarily park in any such
182 parking space for the purpose of loading or unloading a disabled person, and
183 no penalty shall be imposed upon the driver for such parking.

- 184 11. In any fire lane or fire zone.
- 185
- 186 12. Parking a non-electric vehicle within any parking space specifically designated
- 187 for charging an electric vehicle.
- 188
- 189 b. Stand or park a vehicle, whether or not occupied, except momentarily to pick up or
- 190 discharge a passenger or passengers:
- 191 1. In front of a public or private driveway.
- 192 2. Within 15 feet of a fire hydrant.
- 193 3. Within 20 feet of a crosswalk in an intersection.
- 194 4. Within 30 feet upon the approach of any flashing signal, stop sign or traffic
- 195 control signal located at the side of a roadway.
- 196 5. Within 20 feet of the driveway entrance to any fire station and on the side of a
- 197 street opposite the entrance to any fire station within 75 feet of the entrance
- 198 (when property signposted).
- 199 6. At any place where official signs prohibit standing.
- 200 c. Park a vehicle, whether or not occupied, except temporarily for the purpose of and
- 201 while actually engaged in loading or unloading passengers:
- 202 1. Within 50 feet of the nearest rail of a railroad crossing.
- 203 2. At any place where official signs prohibit parking.
- 204 ~~Except as otherwise provided in this subsection, every vehicle stopped or parked upon~~
- 205 ~~a two-way roadway shall be so stopped or parked with the right hand wheels parallel to~~
- 206 ~~and within 12 inches of the right hand curb or edge of the roadway.~~
- 207 ~~Every vehicle stopped or parked upon a one-way roadway shall be so stopped or~~
- 208 ~~parked parallel to the curb or edge of the roadway, in the direction of authorized traffic~~
- 209 ~~movement, with its right hand wheels within 12 inches of the right hand curb or edge of~~
- 210 ~~the roadway, or its left hand wheels within 12 inches of the left hand curb or edge of~~
- 211 ~~the roadway.~~
- 212 (d) d. On vacant, unimproved property.
- 213 (1) It shall be unlawful for any person to occupy any motor vehicle, trailer,
- 214 motor home, camper, truck or other vehicle, whether or not self-propelled,
- 215 on any vacant unimproved property in the city.

- 216 (2) It shall be unlawful for any person to park, stop or leave standing any motor
217 vehicle, or other vehicle, on any vacant unimproved real property in the
218 city.
- 219 (3) For the purpose of this section, the term "vacant unimproved real property"
220 shall be construed to mean a tract of land which is unpaved and does not
221 contain a structure which is certified for occupancy by human beings.
- 222 e. Except as otherwise provided in this subsection, every vehicle stopped or
223 parked upon a two-way roadway shall be so stopped or parked with the right hand
224 wheels parallel to and within 12 inches of the right hand curb or edge of the roadway.
- 225 f. Every vehicle stopped or parked upon a one-way roadway shall be so
226 stopped or parked parallel to the curb or edge of the roadway, in the direction of
227 authorized traffic movement, with its right-hand wheels within 12 inches of the right-
228 hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-
229 hand curb or edge of the roadway.

230 **SECTION 4.** Chapter 28, Article IV, "Parking Meters", Sections 28-131 through 28-141 are
231 amended as follows:

232 **Sec. 28-131. Definitions.**

233 The following words, terms and phrases, when used in this article, shall have the meanings
234 ascribed to them in this section, except where the context clearly indicates a different meaning:

- 235 (i) *Parking lot* means any area owned by the city and designated as municipal parking
236 lots.
- 237 (ii) *Parking meter* means any type of mechanical or electronic timing device or any
238 online mobile phone application used to electronically pay for parking authorized
239 under this division to be utilized for the purpose of regulating or controlling parking,
240 that is installed in a location to serve multiple parking spaces, with appropriate
241 signage notifying the Vehicle operator which defined parking spaces are served by
242 the parking meter, and that provides a receipt or otherwise confirms legal parking
243 upon the deposit of authorized legal tender by manual or electronic means, for a
244 period of time in accordance with any such prescribed parking time limit.
- 245 (iii) *Parking space*. Any individual area or space within any Pay Parking Zone that is
246 designated for the parking of a single Vehicle by lines painted or otherwise durably
247 marked on the curb or on the surface of the road.
- 248 (iv) *Pay Parking Zone*. Any city street or roads designated by the City where Parking
249 Payment requirements have been designated by signage.
- 250 (v) *Parking meter zone* means a certain designated and marked off section of the
251 public street or parking lot within the marked boundaries where the vehicle may be
252 temporarily parked and allowed to remain for such period of time as the parking
253 meter attached thereto may indicate.
- 254 (vi) *Roadway* means that portion of a street between the regularly established
255 curblines.
- 256 (vii) *Sidewalk* means that portion of a street between the curblines and the adjacent
257 property lines.

296 2. A vehicle that is not registered at the address but is owned by a qualified owner
297 or renter of residential property who occupies his or her residence for all or part
298 of the year.

299 (b) Residential parking pass. The City Manager shall develop and implement policies and
300 procedures for a Residential Parking Pass Program. Qualified owners or renters of residential
301 property in the City may purchase a parking pass for qualified vehicles as provided herein,
302 and in accordance with the policies and procedures implemented by the City Manager.

303 (1) Number available. A qualified residential owner or renter may purchase and use a
304 resident parking pass for up to 3 of his or her qualified vehicles. No more than 3 passes
305 shall be issued for any individual household.

306 (2) Paid metered parking. If the driver of a vehicle possessing a parking pass pays the
307 regular meter charge for a metered parking space, such parking shall not be restricted
308 in any way by the parking pass program.

309

310 **Sec. 28-433.134 Installing meters; prescribing times.**

311 In parking meter zones, the city manager shall cause parking meters to be installed in such
312 numbers and at such places as in his judgment may be necessary to the regulation, control and
313 inspection of the parking of vehicles, including the reservation of loading zones for commercial
314 vehicles and shall cause parking meter spaces to be designated. The city manager shall fix the
315 time limitations for legal parking in such zones and the hours during the day when the parking
316 meters must be used and when the time limitations shall be effective, in compliance with the
317 provisions of this article, and shall indicate the time limitations by designating the limitations on
318 the parking meters or by appropriate signs posted in proximity to the meters in the zones.

319

320 **~~Sec. 28-134. Location of meters; legend; mechanism.~~**

321 ~~The parking meters installed in the parking meter zones shall be placed upon the curb~~
322 ~~immediately adjacent to the individual parking places. Each parking meter shall be placed or set~~
323 ~~in such manner as to show or display by a signal that the parking space adjacent to such meter~~
324 ~~is or is not legally in use. Each parking meter installed shall indicate by a proper legend the legal~~
325 ~~parking time established by the city and when operated shall indicate on and by its dial and~~
326 ~~pointer the duration of the period of legal parking, and on the expiration of such period shall~~
327 ~~indicate illegal parking or overparking.~~

328

329 **Sec. 28-135. Marking spaces; parking within lines.**

330 The city manager shall have markings painted or placed upon the curb and/or upon the street,
331 or in parking lots where paid parking is required, and adjacent to each parking meter for the
332 purpose of designating the parking space for which the meter is to be used; and each vehicle
333 parking adjacent or next to any parking meter shall park within the lines or markings so
334 established. It shall be unlawful to park any vehicle across any such line or marking or to park a
335 vehicle in such position that the vehicle shall not be entirely within the area so designated by
336 such lines or markings.

337

338 **Sec. 28-136. - Placing meter in operation.**

339 When any vehicle shall be parked in any space adjacent to which a parking meter is located in
340 accordance with the provisions of this article, the operator of the vehicle shall, upon entering the
341 parking space, immediately ~~deposit or cause to be deposited a coin of the United States of the~~
342 ~~denomination~~ pay for parking, utilizing authorized legal tender by manual or electronic means,
343 required in such parking meter and put such meter in operation; and failure to ~~deposit such coin~~
344 ~~and put the meter in operation~~ pay using legal tender by manual or electronic means shall
345 constitute an infraction and shall subject such person to the prescribed penalty.

346

347 **Sec. 28-137. - Period of parking; parking overtime.**

348 Upon placing a parking meter in operation, the parking space may be lawfully occupied by such
349 vehicle for a period as prescribed and indicated ~~for each coin~~. If any such vehicle shall remain
350 parked in any such parking space beyond the parking time limit ~~as fixed for the coins deposited~~
351 ~~in such meter for such parking space, the parking meter shall by its dial and pointer indicate~~
352 ~~such illegal parking; and in that event,~~ such vehicle shall be considered parked overtime and
353 beyond the period of legal parking time and shall constitute an infraction; and the owner or
354 operator shall be subject to the prescribed penalty.

355

356 **Sec. 28-138. Defacing meters.**

357 It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy
358 or impair the usefulness of any parking meter installed under the provisions of this article.

359

360 **Sec. 28-139. Illegal deposit.**

361 It shall be unlawful to deposit or cause to be deposited in any parking meter any slug, device,
362 metallic substitute, or any other substitute for a coin of the United States.

363

364 **~~Sec. 28-140. Purpose of charges.~~**

365 ~~The coins required to be deposited in parking meters are levied and assessed as fees to~~
366 ~~provide for the proper regulation and control of traffic upon the public streets, and also the cost~~
367 ~~of supervision and regulation of the parking of vehicles in the parking meter zones created in~~
368 ~~this article and to cover the cost of the purchasing, leasing, acquiring, installation, operation,~~
369 ~~maintenance, supervision, regulation and control of the parking meters described in this article.~~

370

371 **Sec. 28-141 140. Discounts; Exemptions for veterans.**

372 The City manager shall establish discounts as legally required or as deemed appropriate. The
373 Hallandale Beach City Commission recognizes the sacrifices U.S. veterans have made to
374 protect the freedom of the United States and wishes to show their appreciation to those
375 veterans of the United States who have been recognized for specified distinguished and
376 meritorious service. Veterans whose cars properly display a Florida National Guard, U.S.
377 Reserve, Ex-Prisoner of War, Pearl Harbor Survivor or Purple Heart license plate or other
378 verifiable license plates from the State of Florida validly obtained from the State of Florida, shall
379 be exempt from having to pay parking meter fees, although limitations may be adopted to
380 ensure compliance with the residential parking program. ~~Such exemption shall only be~~
381 ~~applicable to metered parking and shall not be applicable to the city's permitted parking program~~
382 ~~within residential neighborhoods.~~

SECTION 5. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

SECTION 6. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 7. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 8. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1st reading on August 4, 2021.

PASSED AND ADOPTED on 2nd reading on August 18, 2021.

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTES

JENORGEN GUILLEN

CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY AND

FORM 7

Jen
Jennifer Merino (Aug 19, 2021 10:55 ECT)

JENNIFER MERINO

CITY ATTORNEY

FIRST READING VOTE ON ADOPTION

Mayor Cooper	<u>YES</u>
Vice Mayor Butler	<u>YES</u>
Commissioner Javellana	<u>NO</u>
Commissioner Lazarow	<u>YES</u>
Commissioner Lima-Taub	<u>YES</u>

FINAL VOTE ON ADOPTION

Mayor Cooper	<u>YES</u>
Vice Mayor Butler	<u>YES</u>
Commissioner Javellana	<u>NO</u>
Commissioner Lazarow	<u>YES</u>
Commissioner Lima-Taub	<u>YES</u>

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