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**EXHIBIT 1
ORDINANCE NO. 2023**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 13, SECTION 13-40 REGARDING ABANDONED VEHICLES; CHAPTER 28 "TRAFFIC, MOTOR VEHICLES AND BOATS", SECTIONS 28-8, 28-11, 28-15, 28-17, 28-133 THROUGH 28-135, 28-137 AND CREATING SECTIONS 28-141 AND 28-142, TO OPTIMIZE PARKING ENFORCEMENT, CREATE AN ADMINISTRATIVE REVIEW PROCESS, AN APPEALS PROCESS, ADDRESS DISABLED PARKING IN PAID PARKING AREAS AND OTHER PARKING RELATED PROVISIONS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 16, 2021, the City Commission of the City of Hallandale Beach ("City") approved Ordinance 2021-013 creating the Citywide Parking Management Program that introduced the Resident Parking Pass; and

WHEREAS, the City's Parking Enforcement Unit desires to amend the City's Code of Ordinances to optimize parking enforcement and ensure the continued effectiveness of the program; 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 13, Chapter 28 and Chapter 32 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 13, Health and Sanitation, Section 13-40 is hereby amended and read as follows:

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39 **Sec. 13-40. Abandoned vehicles on public ways or grounds.**

40 (a) It shall be unlawful for any person to place or permit to be placed any abandoned,
41 wrecked or dismantled motor vehicle or parts upon any of the public streets,
42 highways, parks, parkways, alleys, ~~or~~ public grounds, swales or right-of-ways of the
43 city.

44 (b) If the vehicle or vehicle part is not moved within 48 hours after notification is posted,
45 the city shall cause the removal of such vehicle or vehicle part at the owner's risk
46 and expense in accordance with section 28-8.

47 (c) The provisions of this section shall be enforceable 24 hours per day, 7 days per
48 week, including holidays.

49

50 **SECTION 3.** Chapter 28, Traffic, Motor Vehicles and Boats, Section 28-8 is hereby
51 amended and reads as follows:

52 **Sec. 28-8. Administrative fee and lien for vehicles which are towed.**

53 (a) When the city undertakes to enforce violations of this code article by code or parking
54 enforcement activities involving vehicles that may be towed, it shall be the duty of the
55 owner of the vehicle to remove the vehicle after notification or posting that a violation
56 exists and must be corrected. Failure to comply with the notice ~~shall constitute a~~
57 ~~violation of this section, punishable, and~~ shall subject the vehicle to removal by the city
58 at the vehicle owner's risk and expense, the imposition of a fee, towing and storage
59 charges, and lien as provided in this section, and tow charges.

60 (b) If the owner fails to remove such vehicle within 48 hours after notification, the city shall
61 cause the removal of such vehicle, in which case the city will bill the owner(s) a
62 charge to cover the city's administrative expenses. Such charge will constitute a lien
63 upon such real property or abutting real property and upon the vehicle itself; and
64 whenever a bill for such charge remains unpaid for more than 30 days, the city may file
65 with the clerk of the circuit court for the county a claim of lien to bear interest at the
66 legal rate. This claim of lien statement shall contain a legal description of the premises,
67 and the vehicle, owner's name, the expenses and costs incurred, the date of such
68 expenses, and a notice that the city claims a lien for this amount. A copy of the claim
69 shall be mailed to the owner. If the lien for unpaid charges incurred pursuant to this
70 section is not paid in full, the lien may be foreclosed by the city in the same manner as
71 provided by law for the foreclosure of mortgages upon real estate. The city shall in
72 such case be entitled to recover a reasonable attorney's fee.

73 (c) If the owner shall appear and claim the vehicle, the city, or the towing company for the
74 city, shall collect an administrative fee from such person, which fee is established and
75 on file in the city clerk's office. Such payment shall be credited to any bill or lien which
76 may have been imposed pursuant to subsection (b) of this section.

77 (d) For purposes of this section, the term "owner" shall mean, jointly and severally, all
78 persons responsible for removal of the motor vehicle, including the owner or person in

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79 possession of the property on which the vehicle is located or of the property abutting
80 the right-of-way on which the vehicle is located and the registered owner or other
81 actual owner of the vehicle, and owner as otherwise defined in this Code.

82 (e) For purposes of this section, towed vehicles subject to ~~a~~ the fee and towing and
83 storage charges as provided in this section are defined as all vehicles found in violation
84 of the applicable codes of the city, including ~~and~~ abandoned, immovable, wrecked,
85 derelict and others, that require activities by code or parking enforcement personnel
86 and/or staff of the city, but shall not include vehicles towed as police tows pursuant to
87 section 28-1(1)—(4) and (6).

88

89 **SECTION 4.** Chapter 28, Traffic, Motor Vehicles and Boats, Section 28-11 is
90 hereby amended and reads as follows:

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

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

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

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

103 ~~(1)~~ a. Scale weight (vehicle only) in excess of 5,000 pounds.

104 ~~(2)~~ b. A height of more than eight feet to the top of the vehicle, including ladders
105 or other attachments.

106 ~~(3)~~ c. A width of more than nine feet, excluding mirrors.

107 ~~(4)~~ d. An overall length in excess of 22 feet.

108 ~~(5)~~ e. Having more than two axles.

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

113 (4) Recreational vehicle means any vehicle or portable structure designed
114 primarily to provide temporary living quarters for recreation, camping or travel use; either a
115 vehicular structure mounted on wheels, self-powered or designed to be pulled by another
116 vehicle, or a structure designed to be mounted upon and carried by another vehicle. This

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117 definition is intended to include travel trailer, camping-trailer, camp-bus or house-bus, and
118 truck-camper unit of walk-in capacity.

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

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

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

126 (8) *Utility trailer* means a trailer designed to transport materials, goods or
127 equipment. This includes boat trailers.

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

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

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

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

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

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

146 (d) *General provisions.*

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

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

153 a. Automobiles may be parked in the public road right-of-way, on a driveway, an
154 area constructed and permitted by the city for parking of vehicles, and in the
155 corner street side yard. However, vans and pickup trucks used for commercial
156 activities and/or which have signage attached shall not be parked on the

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157 public road right-of-way. Notwithstanding the provisions of paragraph (c), a
158 resident may park only one taxi on his property if the taxi is owned or
159 operated by the resident.

160 b. Automobiles, boats, trailers, utility trailers, special-purpose vehicles and
161 recreational vehicles may be parked in the side yard and the rear yard and
162 may not exceed ten feet in height. Items parked in the side yard and rear yard
163 must be screened by a fence, wall or hedge conforming to applicable height
164 restrictions.

165 c. These provisions do not permit parking or storage of junked, wrecked or
166 inoperable vehicles. Items other than those specifically permitted in this
167 subsection are not permitted to be parked or stored in a residential district,
168 residential area or on residential property except within a completely enclosed
169 building.

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

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

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

177 (2) Public utility service work.

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

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

181 (g) *Violation; penalty.* It is declared unlawful and a violation of this Code, punishable as
182 provided in city's fee schedule, to park, store or permit or allow to be parked or stored
183 any vehicle, equipment, boat or trailer in violation of the provisions of this section.
184 Vehicles in violation of these provisions and parked on a public right-of-way or swale
185 may be towed in accordance with section 28-8 if the owner fails to remove the vehicle
186 or correct the violation within 48 hours of notification. The provisions of this section
187 shall be enforced, 7 days per week, including holidays.

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189 **SECTION 5.** Chapter 28, Traffic, Motor Vehicles and Boats, Section 28-15 is
190 hereby amended and reads as follows:

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

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

195 (1) Electric vehicle means any vehicle that operates, either partially or

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196 exclusively, on electrical energy from an off-board source, that is stored on-board for motive
197 purpose. "Electric vehicle" includes:

198 (4) a. Any "battery electric vehicle," defined as any vehicle that operates exclusively
199 on electrical energy from an off-board source that is stored in the vehicle's
200 batteries, and produces zero tailpipe emissions or pollution when stationary or
201 operating;

202 (2) b. Any "plug-in hybrid electric vehicle (PHEV)," defined as an electric vehicle
203 that:

204 a. 1. Contains an internal combustion engine and also allows power to be
205 delivered to drive wheels by an electric motor;

206 b. 2. Charges its battery primarily by connecting to the grid or other off-
207 board electrical source;

208 c. 3. May additionally be able to sustain battery charge using an on-board
209 internal-combustion-driven generator; and

210 d. 4. has the ability to travel powered by electricity.

211 (2) Non-electric vehicle means any motor vehicle that does not meet the
212 definition of "electric vehicle."

213 (b) *Generally.*

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

217 a. Stop, stand or park a vehicle:

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

220 2. On any portion of any sidewalk. For the purposes of this section. A
221 sidewalk shall be construed to mean any walkway within the public
222 right-of-way, upon which the public has unlimited right to traverse and
223 does not include vehicular pathways.

224 3. Within an intersection.

225 4. On a crosswalk.

226 5. Between a safety zone and the adjacent curb or within 30 feet of
227 points on the curb immediately opposite the ends of a safety zone,
228 unless the state division of road operations of the department of
229 transportation or the county department of transportation indicates a
230 different length by signs or markings.

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

235 7. Upon any bridge or ramp.

236 8. On any railroad tracks.

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

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10. Within any parking space specifically designated and marked for the exclusive use of physically disabled persons, unless such vehicle displays a parking permit issued for such purpose by the state department of highway safety and motor vehicles and/or is transporting a person eligible for such parking permit. Any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit, to momentarily park in any such parking space for the purpose of loading or unloading a disabled person, and no penalty shall be imposed upon the driver for such parking.
 11. In any fire lane or fire zone.
 12. Parking a non-electric vehicle within any parking space specifically designated for charging an electric vehicle.
 13. On or over any bicycle path.
 14. Within the 25 feet triangle of visibility.
 15. Not more than one motor vehicle may park in a parking space.
 16. No person shall stop, stand or park a motor vehicle in a manner that causes the motor vehicle or any portion thereof to occupy more than one parking space.
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- b. Stand or park a vehicle, whether or not occupied, except momentarily to pick up or discharge a passenger or passengers:
 1. In front of a public or private driveway.
 2. Within 15 feet of a fire hydrant.
 3. Within 20 feet of a crosswalk in an intersection.
 4. Within 30 feet upon the approach of any flashing signal, stop sign or traffic control signal located at the side of a roadway.
 5. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance (when property signposted).
 6. At any place where official signs prohibit standing.
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- c. Park a vehicle, whether or not occupied, except temporarily for the purpose of and while actually engaged in loading or unloading passengers:
 1. Within 50 feet of the nearest rail of a railroad crossing.
 2. At any place where official signs prohibit parking.
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- d. *On any vacant, unimproved property.*
 1. It shall be unlawful for any person to occupy any motor vehicle, trailer, motor home, camper, truck or other vehicle, whether or not self-propelled, on any vacant unimproved property in the city.
 2. It shall be unlawful for any person to park, stop or leave standing any motor vehicle, or other vehicle, on any vacant unimproved real property in the city.
 3. For the purpose of this section, the term "vacant unimproved real property" shall be construed to mean a tract of land which is unpaved
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281 and does not contain a structure which is certified for occupancy by
282 human beings.

283 e. Except as otherwise provided in this subsection, every vehicle stopped or
284 parked upon a two-way roadway shall be so stopped or parked with the right
285 hand wheels parallel to and within 12 inches of the right hand curb or edge of
286 the roadway.

287 f. Every vehicle stopped or parked upon a one-way roadway shall be so
288 stopped or parked parallel to the curb or edge of the roadway, in the direction
289 of authorized traffic movement, with its right-hand wheels within 12 inches of
290 the right-hand curb or edge of the roadway, or its left-hand wheels within 12
291 inches of the left-hand curb or edge of the roadway.

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293 **SECTION 6.** Chapter 28, Traffic, Motor Vehicles and Boats, Section 28-17 is
294 amended as follows:

295 **Sec. 28-17. Fines for stopping, standing and parking violations.**

296 (a) Schedule; contested citation.

297 (1) a. The fines for violations of this Code or ordinances pertaining to improper
298 standing, stopping or parking may be set by resolution.

299 b. The fines provided for improper parking in a space designated for disabled
300 persons are mandatory minimum fines only and shall not restrict the
301 discretion of an appropriate court to impose a fine not in excess of \$250.00.

302 (2) Any person who legally contests the issuance of a citation for a stopping, standing
303 or parking violation shall not be considered late in payment for the purposes of this
304 subsection.

305 (b) Late fee penalties:

306 (1) Parking violation fines for which full payment is not received within ten (10) calendar
307 days from the date of issuance will be subject to an additional \$15.00 late fee
308 penalty.

309 (2) Parking violation fines and penalties for which full payment is not received within
310 thirty (30) calendar days from the date of issuance will be subject to an additional
311 \$20.00 late fee penalty, for a total penalty of \$35.00 in addition to the citation fine
312 for each citation issued.

313 (c) All parking citations are assessed a mandatory School Crossing Guard Fee of \$5.00.

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315 **SECTION 7.** Chapter 28, Traffic, Motor Vehicles and Boats, Sections 28-133
316 and 28-135 are hereby amended and read as follows:

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317 **Sec. 28-133. Residential parking passes.**

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

321 (1) *Qualified residential owner or renter* means a person who meets one of the
322 following criteria:

323 ~~(1)~~ a. A person who owns and occupies a residential property located within the
324 city;

325 ~~(2)~~ b. A person who rents residential property under an annual lease and resides at
326 that property in the city;

327 ~~(3)~~ c. A person who rents residential property with less than an annual lease who
328 provides documentation that he or she resides in the city at the same address at
329 the time of applying for a resident parking permit; or

330 ~~(4)~~ d. A person who owns or rents property in the city seasonally.

331 (2) *Qualified vehicle* means a vehicle that is eligible based on one of the
332 following criteria:

333 ~~(1)~~ a. A vehicle that is owned or leased by a qualified residential owner or renter
334 and is registered at the address used to qualify for a residential parking pass;

335 ~~(2)~~ b. A vehicle that is not registered at the address but is owned by a qualified
336 owner or renter of residential property who occupies his or her residence for all or
337 part of the year.

338 (b) *Residential parking pass.* The city manager shall develop and implement policies and
339 procedures for a residential parking pass program. Qualified owners or renters of
340 residential property in the city may purchase a parking pass for qualified vehicles as
341 provided herein, and in accordance with the policies and procedures implemented by
342 the city manager.

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

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

349 (3) Disqualifications

350 a. No person may purchase a city residential parking pass who has outstanding
351 and unpaid any City of Hallandale Beach parking citation.

352 b. No person may purchase a city residential parking pass for a commercial
353 vehicle.

354 c. The City can, at its discretion, revoke a residential parking pass from anyone
355 that is in violation of subsection (1) or (2)

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357 (4) Residential Parking Pass shall be sold on a monthly calendar basis.
358 (c) Business Parking Pass. The city manager shall develop and implement policies and
359 procedures for a Business Parking Pass for Workforce, Labor, and Caregivers. This
360 program will enable businesses to provide their employees passes for right of way parking,
361 developers to provide tradesman parking passes during construction and introduce home
362 service (caregivers, cleaning services, etc.) parking passes.

363 * * *

364 **Sec. 28-135. - Marking spaces; parking within lines and back-in parking.**

365 (a) The city manager shall have markings painted or placed upon the curb and/or upon the
366 street, or in parking lots where paid parking is required, and adjacent to each parking meter
367 for the purpose of designating the parking space for which the meter is to be used; and
368 each vehicle parking adjacent or next to any parking meter shall park within the lines or
369 markings so established.

370 (1) It shall be unlawful to park any vehicle across any such line or marking or to
371 park a vehicle in such position that the vehicle shall not be entirely within the area so
372 designated by such lines or markings.

373 (2) Back-in parking is prohibited in any parking space.

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375 **SECTION 8.** Chapter 28, Traffic, Motor Vehicles and Boats, Sections 28-137 is
376 amended as follows:

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378 **Sec. 28-137. - Period of parking; disabled parking; parking overtime.**

379 ~~Upon placing a parking meter in operation, the parking space may be lawfully occupied by~~
380 ~~such vehicle for a period as prescribed and indicated. If any such vehicle shall remain~~
381 ~~parked in any such parking space beyond the parking time limit for such parking space,~~
382 ~~such vehicle shall be considered parked overtime and beyond the period of legal parking~~
383 ~~time and shall constitute an infraction; and the owner or operator shall be subject to the~~
384 ~~prescribed penalty.~~

385 (a) Parking spaces may be lawfully occupied by any vehicle for the period of time which
386 the motor vehicle parking is paid. The operator of the vehicle shall, upon entering the
387 parking space, immediately pay for parking in the amount adequate to account for the
388 length of time the motor vehicle is parked. Payment shall be made either by credit card or
389 by mobile phone by following the directions on applicable signage. Failure to make payment
390 when so required or failure to make payment beyond the parking session, shall constitute a
391 violation of this section and shall subject such person to the prescribed penalty.

392 (b) Disabled parking:

393 (1) Except as otherwise provided in this Code, when on-street parking restricts
394 the duration of time that a vehicle may be parked, a vehicle properly
395 displaying a disabled parking permit may park for free for a maximum of four
396 hours in any standard, non-designated handicap space. Any person whose
397 vehicle is parked for longer than four hours, while parked in a standard, non-
398 designated handicap space, shall pay the appropriate amount for any length
399 of time greater than the original four-hour period of time. Any person who fails

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400 to make such appropriate payment shall be issued a parking citation for
401 overtime parking.

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403 (2) Any vehicle which displays a disabled parking permit may park for free with
404 no time limitation in any on-street parking space designated as a
405 handicapped or disabled parking space.

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408 (3) Consistent with F.S. § 316.1964(8) the city commission has determined that
409 any motor vehicle with a disabled parking permit issued pursuant to F.S. §§
410 316.1958 and 320.0848 shall be required to pay the applicable fee
411 when parking in Parking Area A,

412
413 (4) All drivers must pay to park in the City's public parking surface lots identified
414 below. Drivers of vehicles with specialized equipment such as a ramp, lift, or
415 foot or hand controls or displaying the Florida Toll Exemption Permit, or
416 displaying the Disabled Veteran "DV" license plate are allowed to park for
417 free in a marked, designated handicap space for up to four (4) hours. These
418 vehicles may also park for free in any space in the facility for up to four (4)
419 hours if there is no marked, designated handicap space available.

- 420 a. 1870 S. Ocean Drive (South City Beach Park)
- 421 b. 1850 S. Ocean Drive (North City Park Garage)
- 422 c. 203 NE 3rd Street
- 423 d. FEC parking lot on NE 1 Avenue

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425 (5) In accordance with F.S. § 316.1964(8), any motor vehicle displaying a
426 disabled parking permit which has specialized equipment such as ramps, lifts
427 or foot or hand controls and which is transporting the person who has a
428 disability or any vehicle displaying the Florida Toll Exemption permit which is
429 transporting the person who has a disability, is exempt from any parking fees.

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432 **SECTION 9.** Chapter 28, Traffic, Motor Vehicles and Boats, Sections 28-141 and 28-
433 142 are hereby created and reads as follows:

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435 **Sec. 28-141 Parking Citation Administrative review process; appeals**

436 (a) Administrative review. Any person who receives a parking citation and who believes the
437 citation itself is incorrect for any reason may, within ten (10) calendar days of the date of
438 such citation, file a written request with the city's Parking Enforcement Division for review of
439 the citation. The request shall include the name, address and phone number of the person
440 requesting the review and include all documentation relating to contesting the citation. The
441 city's Parking Enforcement Division shall review the request and supporting documents. If
442 the Parking Enforcement Division determines that the citation was improperly issued, then
443 the citation will be voided, and the person shall be so notified by mail to the address on the
444 request for review. If the decision is that the citation was properly issued, then the person

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445 shall be so notified by mail to the address on the request for review and advised that the
446 fine must be paid within ten (10) calendar days from the date of the notice. Failure to pay
447 the fine shall result in the applicable late fees.
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449 (b) Appeal. Any person may file a written appeal of the decision of the city's Parking
450 Enforcement Division Administrative Review determination to the city's special magistrate,
451 subject to applicable administrative costs.

452 (1) Administrative review of the parking citation shall be a condition precedent to
453 filing an appeal with the special magistrate.

454 (2) A written appeal stating the basis of the appeal shall be submitted by the
455 appellant within ten (10) calendar days from the date of the conclusion of the
456 administrative review. Failure to file the appeal within the ten (10) calendar
457 day period shall be deemed a waiver of the right to appeal the citation.

458 (3) Hearings. The special magistrate shall have the jurisdiction and authority to
459 hear and decide parking citation appeals as described in this section. All
460 parking citation hearings shall be held bi-annually in March & September of
461 each calendar year.

462 a. Upon receipt of the appeal, a hearing date shall be scheduled by the
463 city's Parking Enforcement Division. The appellant shall be given a
464 minimum of ten (10) calendar days' notice of the time and place of the
465 hearing.
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468 (4) At the conclusion of the hearing, the special magistrate shall make a final
469 determination whether the parking citation was properly issued. The
470 determination shall be reduced to writing and signed by the special
471 magistrate and filed in the office of the city clerk, and a copy shall be mailed
472 to the appellant at the address stated in the request for administrative review.
473

474 a. If the special magistrate rules in favor of the appellant, all fees, fines,
475 and penalties paid by the appellant to the city regarding the specific
476 parking citation(s) shall be returned to the appellant within thirty (30)
477 calendar days of the special magistrate's decision.
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480 b. If the special magistrate rules against the appellant, all fees, fines, and
481 penalties shall be due, and all such costs must be paid in full in
482 accordance with the magistrates order. If all such fees have been paid
483 prior to the appeal, the city shall retain such fees.
484

485 c. If the special magistrate upholds the parking citation, the city shall be
486 entitled to recover all costs incurred in defending the case before the
487 special magistrate and appellant shall be responsible for the payment
488 of such costs within ten (10) calendar days of the city providing a
489 written invoice for such costs.
490

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491 d. If a person who has received a parking citation has not timely
492 appealed to the special magistrate or paid the fine within the
493 prescribed time frame, the parking citation may be placed in
494 collections, as authorized below.

497 **Sec. 28-142- Parking Enforcement collections and other enforcement**

498 (a) The City Manager is hereby authorized to employ the services of a collection agency
499 for the purpose of the collection of parking violation fines which have not been paid or timely
500 appealed. All parking citations placed with a collection agency are subject to the collection
501 agency fees.

503 (b) *Registration Holds.* The city shall cause to be supplied to the State of Florida
504 Department of Highway Safety and Motor Vehicles a magnetically encoded computer tape
505 reel or cartridge which is machine readable by the installed computer system at the
506 department listing persons who have three or more outstanding or unpaid parking citations.
507 The city shall request that the department mark the appropriate registration records of
508 persons so reported and that such persons shall be subject to the provisions of F.S. §
509 320.03(8).

511 (c) *Immobilization.*

512 (1) The City's Parking Enforcement Division is authorized to attach a "boot," or other
513 nondestructive immobilization device which prevents a vehicle from being moved
514 under its own power, to a motor vehicle under the following conditions:

516 a. The motor vehicle has, on at least two (2) prior occasions, been found stopped,
517 standing or parked on any street, alley, thoroughfare or public parking space
518 within the city, in violation of a state law or city ordinance, for which parking
519 tickets have been issued, and to which the registered owner has failed or refused
520 to request, within ten (10) calendar days, a review of the parking citation by the
521 City's Parking Enforcement Division or a Special Magistrate or by paying the total
522 fine and penalties indicated upon the parking tickets; and

524 b. The registered owner of the motor vehicle has been given notice by mail or
525 otherwise that the provisions of this section will be enforced against the motor
526 vehicle unless, the owner remits the total fine amount and penalties for all such
527 outstanding citations and summonses, within ten (10) calendar days from the
528 date of issuance; and

530 c. The registered owner of the motor vehicle has failed or refused to respond to the
531 notice described in this section, by paying such civil penalties for all such
532 outstanding citations and summonses or requesting a hearing or court date,
533 within ten (10) calendar days, in writing, for the purpose of contesting the parking
534 tickets.

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536 (2) The Parking Enforcement Division shall maintain a current list of all motor vehicles to
537 which an immobilizing device may be attached pursuant to this section.
538 The immobilizing device shall be attached to the motor vehicle at any location within
539 the city where the motor vehicle may be found, if the location is in a right-of-way or a
540 place where the public is invited to travel or park; except that no motor vehicle shall
541 be immobilized within the traveled portion of any street or in any portion of any street
542 when immobilization at such place would create a hazard to the public or to traffic.
543

544 (3) The immobilizing device shall be removed from the motor vehicle only upon payment
545 of the total parking fine amount and penalties assessed for which the motor vehicle
546 has been immobilized, plus the immobilization charge, and/or upon the authorization
547 of the Parking Enforcement Unit.
548

549 (4) The owner or operator of a vehicle which has been immobilized with
550 an immobilizing device shall have the right to request an administrative review of the
551 facts for the purpose of determining whether such vehicle was
552 properly immobilized in accordance with the terms of this section. The review shall
553 be held within 24 hours of such a request being made. If, upon the conclusion of the
554 review, the Parking Enforcement Division determines that the vehicle was
555 properly immobilized in accordance with the terms of this section, the owner or
556 operator, in order to obtain the removal of the immobilizing device, shall pay the city
557 the total parking fine amount, penalties and the immobilization charge. If the Parking
558 Enforcement Division determines that the vehicle was not
559 properly immobilized, the immobilization device shall be removed immediately at no
560 additional charge.
561

562 (5) The immobilization fee is hereby established and shall be set by resolution.
563

564 (6) If an immobilizing device remains on a motor vehicle for more than 24 hours, the
565 vehicle may be towed and shall be impounded until the registered owner pays all
566 outstanding parking fine amounts plus penalties, the immobilization charge, the
567 costs of towing, vehicle storage, and admin fee.
568

569 (d) The city commission may by resolution establish programs to implement enhanced
570 parking enforcement and collection mechanisms, including, not limited to, the waiver of late
571 fee penalties under certain conditions. The City Manager shall authorize the Parking
572 Enforcement Division or its designee the authority to waive late fees under certain
573 conditions.
574

575 **SECTION 10. Conflict.** All ordinances or portions of the Code of Ordinances of the
576 City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to
577 the extent of such conflict.
578

579

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580 **SECTION 11. Codification.** It is the intention of the Mayor and City Commission that
581 the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such
582 intention the words “ordinance” or “section” may be changed to other appropriate words.

583 password

584 **SECTION 12. Severability.** Should any provision of this ordinance be declared by a
585 court of competent jurisdiction to be invalid, the same shall not affect the validity of the
586 ordinance as a whole, or any part thereof, other than the part declared to be invalid.

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588 **SECTION 13. Effective Date.** This Ordinance shall become effective 30 days after
589 adoption.

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JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION
ATTEST:

JENORGEN GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM

JENNIFER MERINO
CITY ATTORNEY

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 existing law; words in underlined type are additions