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2 **ORDINANCE NO. 2023 -007**
3

4 **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION**
5 **OF THE CITY OF HALLANDALE BEACH, FLORIDA,**
6 **AMENDING CHAPTER 13, SECTION 13-40 REGARDING**
7 **ABANDONED VEHICLES; CHAPTER 28 "TRAFFIC, MOTOR**
8 **VEHICLES AND BOATS", SECTIONS 28-8, 28-11, 28-15, 28-**
9 **17, 28-133 THOUGH 28-135, 28-137 AND CREATING**
10 **SECTIONS 28-141 AND 28-142, TO OPTIMIZE PARKING**
11 **ENFORCEMENT, CREATE AN ADMINISTRATIVE REVIEW**
12 **PROCESS, AN APPEALS PROCESS, ADDRESS DISABLED**
13 **PARKING IN PAID PARKING AREAS AND OTHER PARKING**
14 **RELATED PROVISIONS; PROVIDING FOR CONFLICT;**
15 **PROVIDING FOR CODIFICATION; PROVIDING FOR**
16 **SEVERABILITY; AND PROVIDING AN EFFECTIVE**
17 **DATE.**
18
19

20 **WHEREAS,** on June 16, 2021, the City Commission of the City of Hallandale Beach
21 ("City") approved Ordinance 2021-013 creating the Citywide Parking Management Program
22 that introduced the Resident Parking Pass; and
23

24 **WHEREAS,** the City's Parking Enforcement Unit is desires to amend the City's Code
25 of Ordinances to optimize parking enforcement and ensure the continued effectiveness of the
26 program; and
27

28 **WHEREAS,** the Mayor and the City Commission have determined that it is in the
29 best interest of the residents of the City of Hallandale Beach to amend Chapter 13, Chapter
30 28 and Chapter 32 as recommended.
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32 **NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF**
33 **HALLANDALE BEACH, FLORIDA:**
34

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

37 **SECTION 2.** Chapter 13, Health and Sanitation, Section 13-40 is hereby amended and
38 read as follows:

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

- (a) It shall be unlawful for any person to place or permit to be placed any abandoned, wrecked or dismantled motor vehicle or parts upon any of the public streets, highways, parks, parkways, alleys, ~~or public grounds, swales or right-of-ways~~ of the city.
- (b) If the vehicle or vehicle part is not moved within 48 hours after notification is posted, the city shall cause the removal of such vehicle or vehicle part at the owner's risk and expense in accordance with section 28-8.
- (c) The provisions of this section shall be enforceable 24 hours per day, 7 days per week, including holidays.

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

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

- (a) When the city undertakes to enforce violations of this ~~code article~~ by code or parking enforcement activities involving vehicles that may be towed, it shall be the duty of the owner of the vehicle to remove the vehicle after notification or posting that a violation exists and must be corrected. Failure to comply with the notice ~~shall constitute a violation of this section, punishable, and~~ shall subject the vehicle to removal by the city at the vehicle owner's risk and expense, the imposition of a fee, towing and storage charges, and lien as provided in this section, ~~and tow charges.~~
- (b) If the owner fails to remove such vehicle within 48 hours after notification, the city shall cause the removal of such vehicle, in which case the city will bill the owner(s) a charge to cover the city's administrative expenses. Such charge will constitute a lien upon such real property or abutting real property and upon the vehicle itself; and whenever a bill for such charge remains unpaid for more than 30 days, the city may file with the clerk of the circuit court for the county a claim of lien to bear interest at the legal rate. This claim of lien statement shall contain a legal description of the premises, and the vehicle, owner's name, the expenses and costs incurred, the date of such expenses, and a notice that the city claims a lien for this amount. A copy of the claim shall be mailed to the owner. If the lien for unpaid charges incurred pursuant to this section is not paid in full, the lien may be foreclosed by the city in the same manner as provided by law for the foreclosure of mortgages upon real estate. The city shall in such case be entitled to recover a reasonable attorney's fee.
- (c) If the owner shall appear and claim the vehicle, the city, or the towing company for the city, shall collect an administrative fee from such person, which fee is established and on file in the city clerk's office. Such payment shall be credited to any bill or lien which may have been imposed pursuant to subsection (b) of this section.
- (d) For purposes of this section, the term "owner" shall mean, jointly and severally, all persons responsible for removal of the motor vehicle, including the owner or person in possession of the property on which the vehicle is located or of the property abutting the right-of-way on which the vehicle is located and the registered owner or other actual owner of the vehicle, and owner as otherwise defined in this Code.

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

SECTION 4. Chapter 28, Traffic, Motor Vehicles and Boats, Section 28-11 is hereby amended and reads 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:

(1) 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.

(2) 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) a. Scale weight (vehicle only) in excess of 5,000 pounds.

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

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

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

(5) e. Having more than two axles.

(3) 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.

(4) 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.

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

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

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

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

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

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

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

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

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

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

145 (d) *General provisions:*

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

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

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

159 b. Automobiles, boats, trailers, utility trailers, special-purpose vehicles and
160 recreational vehicles may be parked in the side yard and the rear yard and may
161 not exceed ten feet in height. Items parked in the side yard and rear yard must

162 be screened by a fence, wall or hedge conforming to applicable height
163 restrictions.

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

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

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

- 175 (1) Tradesmen performing service work or making deliveries of merchandise.
176 (2) Public utility service work.
177 (3) Temporary uses permitted by the city commission.
178 (4) Temporary uses accessory to valid construction permits, under supervision of the
179 city.

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

187
188 **SECTION 5.** Chapter 28, Traffic, Motor Vehicles and Boats, Section 28-15 is
189 hereby amended and reads as follows:

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

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

194 (1) Electric vehicle means any vehicle that operates, either partially or exclusively,
195 on electrical energy from an off-board source, that is stored on-board for motive purpose.
196 "Electric vehicle" includes:

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

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

- a. 1. _____ Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;
- b. 2. _____ Charges its battery primarily by connecting to the grid or other off-board electrical source;
- e. 3. _____ May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and
- d. 4. _____ has the ability to travel powered by electricity.

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

(b) *Generally.*

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

a. Stop, stand or park a vehicle:

1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
2. On any portion of any sidewalk. For the purposes of this section. A sidewalk shall be construed to mean any walkway within the public right-of-way, upon which the public has unlimited right to traverse and does not include vehicular pathways.
3. Within an intersection.
4. On a crosswalk.
5. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the state division of road operations of the department of transportation or the county department of transportation indicates a different length by signs or markings.
6. Upon any public street, road, highway or way upon which the public has a right to travel by motor vehicle so as to impede, hinder, stifle, retard or restrain traffic or passage on such place or so as to endanger the safe movement of vehicles or pedestrians traveling on such place.
7. Upon any bridge or ramp.
8. On any railroad tracks.
9. At any place where official signs prohibit stopping.
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.

- 246 13. On or over any bicycle path.
247 14. Within the 25 feet triangle of visibility.
248 15. Not more than one motor vehicle may park in a parking space.
249 16. No person shall stop, stand or park a motor vehicle in a manner that
250 causes the motor vehicle or any portion thereof to occupy more than
251 one parking space.
252

253 b. Stand or park a vehicle, whether or not occupied, except momentarily to pick
254 up or discharge a passenger or passengers:

- 255 1. In front of a public or private driveway.
256 2. Within 15 feet of a fire hydrant.
257 3. Within 20 feet of a crosswalk in an intersection.
258 4. Within 30 feet upon the approach of any flashing signal, stop sign or
259 traffic control signal located at the side of a roadway.
260 5. Within 20 feet of the driveway entrance to any fire station and on the
261 side of a street opposite the entrance to any fire station within 75 feet of
262 the entrance (when property signposted).
263 6. At any place where official signs prohibit standing.

264 c. Park a vehicle, whether or not occupied, except temporarily for the purpose of
265 and while actually engaged in loading or unloading passengers:

- 266 1. Within 50 feet of the nearest rail of a railroad crossing.
267 2. At any place where official signs prohibit parking.

268 d. *On any vacant, unimproved property.*

- 269 1. It shall be unlawful for any person to occupy any motor vehicle, trailer,
270 motor home, camper, truck or other vehicle, whether or not self-
271 propelled, on any vacant unimproved property in the city.
272 2. It shall be unlawful for any person to park, stop or leave standing any
273 motor vehicle, or other vehicle, on any vacant unimproved real property
274 in the city.
275 3. For the purpose of this section, the term "vacant unimproved real
276 property" shall be construed to mean a tract of land which is unpaved
277 and does not contain a structure which is certified for occupancy by
278 human beings.

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

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

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

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

292 (a) Schedule; contested citation.

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

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

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

301 (b) Late fee penalties:

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

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

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

310

311 **SECTION 7.** Chapter 28, Traffic, Motor Vehicles and Boats, Sections 28-133 and
312 28-135 are hereby amended and read as follows:

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

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

317 (1) Qualified residential owner or renter means a person who meets one of the
318 following criteria:

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

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

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

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

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

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

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

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

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

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

(3) Disqualifications

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

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

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

(4) Residential Parking Pass shall be sold on a monthly calendar basis.

(c) Business Parking Pass. The city manager shall develop and implement policies and procedures for a Business Parking Pass for Workforce, Labor, and Caregivers. This program will enable businesses to provide their employees passes for right of way parking, developers to provide tradesman parking passes during construction and introduce home service (caregivers, cleaning services, etc.) parking passes.

* * *

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

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

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

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

SECTION 8. Chapter 28, Traffic, Motor Vehicles and Boats, Sections 28-137 is

amended as follows:

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

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

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

(b) Disabled parking:

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

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

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

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

- a. 1870 S. Ocean Drive (South City Beach Park)
- b. 1850 S. Ocean Drive (North City Park Garage)

- c. 203 NE 3rd Street
- d. FEC parking lot on NE 1 Avenue

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

SECTION 9. Chapter 28, Traffic, Motor Vehicles and Boats, Sections 28-141 and 28-

142 are hereby created and reads as follows:

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

(a) Administrative review. Any person who receives a parking citation and who believes the citation itself is incorrect for any reason may, within ten (10) calendar days of the date of such citation, file a written request with the city's Parking Enforcement Division for review of the citation. The request shall include the name, address and phone number of the person requesting the review and include all documentation relating to contesting the citation. The city's Parking Enforcement Division shall review the request and supporting documents. If the Parking Enforcement Division determines that the citation was improperly issued, then the citation will be voided, and the person shall be so notified by mail to the address on the request for review. If the decision is that the citation was properly issued, then the person shall be so notified by mail to the address on the request for review and advised that the fine must be paid within ten (10) calendar days from the date of the notice. Failure to pay the fine shall result in the applicable late fees.

(b) Appeal. Any person may file a written appeal of the decision of the city's Parking Enforcement Division Administrative Review determination to the city's special magistrate, subject to applicable administrative costs.

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

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

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

- a. Upon receipt of the appeal, a hearing date shall be scheduled by the city's Parking Enforcement Division. The appellant shall be given a minimum of ten (10) calendar days' notice of the time and place of the hearing.

- (4) At the conclusion of the hearing, the special magistrate shall make a final determination whether the parking citation was properly issued. The determination shall be reduced to writing and signed by the special magistrate

and filed in the office of the city clerk, and a copy shall be mailed to the appellant at the address stated in the request for administrative review.

- a. If the special magistrate rules in favor of the appellant, all fees, fines, and penalties paid by the appellant to the city regarding the specific parking citation(s) shall be returned to the appellant within thirty (30) calendar days of the special magistrate's decision.
- b. If the special magistrate rules against the appellant, all fees, fines, and penalties shall be due, and all such costs must be paid in full in accordance with the magistrates order. If all such fees have been paid prior to the appeal, the city shall retain such fees.
- c. If the special magistrate upholds the parking citation, the city shall be entitled to recover all costs incurred in defending the case before the special magistrate and appellant shall be responsible for the payment of such costs within ten (10) calendar days of the city providing a written invoice for such costs.
- d. If a person who has received a parking citation has not timely appealed to the special magistrate or paid the fine within the prescribed time frame, the parking citation may be placed in collections, as authorized below.

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

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

(b) Registration Holds. The city shall cause to be supplied to the State of Florida Department of Highway Safety and Motor Vehicles 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 or unpaid parking citations. The city shall request that the department mark the appropriate registration records of persons so reported and that such persons shall be subject to the provisions of F.S. § 320.03(8).

(c) Immobilization.

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

- a. The motor vehicle has, on at least two (2) prior occasions, been found stopped, standing or parked on any street, alley, thoroughfare or public parking space within the city, in violation of a state law or city ordinance, for which parking tickets have been issued, and to which the registered owner has failed or refused to request,

513 within ten (10) calendar days, a review of the parking citation by the City's Parking
514 Enforcement Division or a Special Magistrate or by paying the total fine and
515 penalties indicated upon the parking tickets; and

516
517 b. The registered owner of the motor vehicle has been given notice by mail or
518 otherwise that the provisions of this section will be enforced against the motor
519 vehicle unless, the owner remits the total fine amount and penalties for all such
520 outstanding citations and summonses, within ten (10) calendar days from the date
521 of issuance; and

522
523 c. The registered owner of the motor vehicle has failed or refused to respond to the
524 notice described in this section, by paying such civil penalties for all such
525 outstanding citations and summonses or requesting a hearing or court date, within
526 ten (10) calendar days, in writing, for the purpose of contesting the parking tickets.

527
528 (2) The Parking Enforcement Division shall maintain a current list of all motor vehicles to
529 which an immobilizing device may be attached pursuant to this section.
530 The immobilizing device shall be attached to the motor vehicle at any location within
531 the city where the motor vehicle may be found, if the location is in a right-of-way or a
532 place where the public is invited to travel or park; except that no motor vehicle shall
533 be immobilized within the traveled portion of any street or in any portion of any street
534 when immobilization at such place would create a hazard to the public or to traffic.

535
536 (3) The immobilizing device shall be removed from the motor vehicle only upon payment
537 of the total parking fine amount and penalties assessed for which the motor vehicle
538 has been immobilized, plus the immobilization charge, and/or upon the authorization
539 of the Parking Enforcement Unit.

540
541 (4) The owner or operator of a vehicle which has been immobilized with
542 an immobilizing device shall have the right to request an administrative review of the
543 facts for the purpose of determining whether such vehicle was properly immobilized in
544 accordance with the terms of this section. The review shall be held within 24 hours of
545 such a request being made. If, upon the conclusion of the review, the Parking
546 Enforcement Division determines that the vehicle was properly immobilized in
547 accordance with the terms of this section, the owner or operator, in order to obtain the
548 removal of the immobilizing device, shall pay the city the total parking fine amount,
549 penalties and the immobilization charge. If the Parking Enforcement Division
550 determines that the vehicle was not properly immobilized, the immobilization device
551 shall be removed immediately at no additional charge.

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

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

559
560 (d) The city commission may by resolution establish programs to implement enhanced
561 parking enforcement and collection mechanisms, including, not limited to, the waiver of late

fee penalties under certain conditions. The City Manager shall authorize the Parking Enforcement Division or its designee the authority to waive late fees under certain conditions.

SECTION 10. 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 11. 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.

password

SECTION 12. 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 13. Effective Date. This Ordinance shall become effective 30 days after adoption.

PASSED AND ADOPTED on 1st reading, on April 19, 2023.

PASSED AND ADOPTED on 2nd reading, on May 17, 2023.


JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION
ATTEST:


JENORGEN GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM

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JENNIFER MERINO
CITY ATTORNEY

FIRST READING VOTE ON ADOPTION

Mayor Cooper	<u>Absent</u>
Vice Mayor Lima-Taub	<u>Yes</u>
Commissioner Adams	<u>Yes</u>
Commissioner Butler	<u>Yes</u>
Commissioner Lazarow	<u>Yes</u>

FINAL VOTE ON ADOPTION

Mayor Cooper	<u>Yes</u>
Vice Mayor Lima-Taub	<u>Yes</u>
Commissioner Adams	<u>Yes</u>
Commissioner Butler	<u>Absent</u>
Commissioner Lazarow	<u>Absent</u>