7. First Reading of an ordinance and scheduling of public hearing. (Note: The First Reading is not a public hearing and no discussion or testimony will be taken unless the ordinance changes permitted conditional or prohibited uses as required by State Statute.)

   a **ORDINANCE 11-002 AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, AMENDING CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 2, BEACH AREA PARKING RESTRICTIONS, SUBDIVISION II, PERMITS, SECTION 66-76 - *TYPES OF PERMITS,* OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

# MEMORANDUM

February 23, 2011

TO: CITY MANAGER JUDIE ZIMOMRA

FROM: POLICE CHIEF WILLIAM TOMLINSON

RE: PARKING ORDINANCE AMENDMENT

City staff has reviewed a request by City Council to address an issue regarding availability of residential parking passes to Sanibel property owners that have sole legal control and use of vehicles not registered in their name.

An ordinance amendment has been proposed that will remedy the issue of ownership of a vehicle not registered to the property owner. This remedy requires the Sanibel property owner to swear and attest through affidavit under perjury of law that the property owner is the sole user and in legal control of the vehicle being issued a residential parking pass.

Staff recommends this ordinance amendment be approved to accommodate and remedy this situation.

**CITY OF SANIBEL**

**ORDINANCE NO. 11-002**

**AN ORDINANCE AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, AMENDING CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 2, BEACH AREA PARKING RESTRICTIONS, SUBDIVISION II, PERMITS, SECTION 66-76 - *TYPES OF PERMITS*, OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Sanibel, Florida:

**SECTION 1.** The Code of Ordinances of the City of Sanibel, Chapter 66, Traffic, Article II, Parking, Stopping and Standing, Division 2, Beach Area Parking Restrictions, Subdivision II, Permits, Section 66-76, Types of Permits, is hereby amended, with underlining indicating additions and strikethrough indicating deletions, to read as follows:

Sec. 66-76. Types of permits.

(a) Parking permits issued under this subdivision shall consist of the following:

(1) *Residential parking permits.* A residential parking permit shall be available to any vehicle owned by or leased to a city resident <u>and/or Sanibel ad valorem taxpayer property owner</u>. Subject to availability of space, it shall entitle the vehicle to which it is issued and upon which it is properly displayed to be parked in those zones designated residential, restricted or general on the official parking zone map. A nonrefundable fee as established in section 66-85 shall be charged for each such permit.

(2) *Restricted parking permits.* A restricted parking permit shall be available to any vehicle owned by or leased to any persons. A restricted parking permit shall entitle the vehicle to which it is issued and upon which it is properly displayed to be parked in those zones designated restricted or general on the official parking zone map. A nonrefundable fee as established in section 66-85 shall be charged for each such permit.

(3) *General parking permits.* A general parking permit shall be available to any vehicle owned by or leased to any person. Subject to availability of space, a general parking permit shall entitle the vehicle to which it is issued and upon which it is properly displayed to be parked in those zones designated "General Parking--Paid" on the official parking map, in the parking lot for which the permit is issued for the duration of its issuance. A nonrefundable fee as established in section 66-85 shall be charged for each permit.

(4) *General parking permits at Gulfside City Park, the city public boat ramp facility parking lot and causeway parking lot.* A general parking permit ("C" decal) at Gulfside City Park, the city public boat ramp facility parking lot and causeway parking lot shall be available to any vehicle owned by or leased to any person. Subject to availability of space, a general parking permit ("C" decal) at Gulfside City Park, the city public boat ramp facility parking lot and causeway parking lot shall entitle the vehicle to which it is issued and upon which it is properly displayed to be parked at Gulfside City Park, the city public boat ramp facility parking lot and causeway parking lot. A nonrefundable fee as established in section 66-85 shall be charged for each permit. All vehicles, including those to which residential or restricted parking permits have been issued, shall be charged the same fee for parking at Gulfside City Park, the city public boat ramp facility parking lot and causeway parking lot.

(5) *General parking permits at Bowman's Beach Park.* A general parking permit at Bowman's Beach Park shall be available to any vehicle owned by or leased to any person. Subject to availability of space, a general parking permit at Bowman's Beach Park shall entitle the vehicle to which it has been issued and upon which it is properly displayed to be parked at Bowman's Beach Park. A nonrefundable fee as established in section 66-85 shall be charged for each permit. Vehicles displaying a current and valid permit issued by the city or county regional parks pass may park without charge.

(b) General parking shall be provided to all persons free of charge in those zones designated "General Parking--Free" on such map, subject to availability of parking space. No permit is necessary.

(c) With respect to subsection (a)(1) above, in the event that a resident and/or Sanibel ad valorem taxpayer property owner does not own or lease the vehicle for which a parking permit is sought, the resident and/or Sanibel ad valorem taxpayer property owner may be issued such permit under the following conditions:

(1) The vehicle for which the permit is sought is under the sole control of the resident and/or Sanibel ad valorem taxpayer property owner and a sworn affidavit is provided to the Sanibel Police Chief, or his designee, attesting to such sole control and identifying the vehicle.

(2) The Sanibel Police Chief, or his designee, in the event the sworn affidavit is found to meet the requirements of this section, shall issue such parking permit conditioned upon the continued sole control of the vehicle by the applicant during the term of the permit.

**SECTION 2**. Codification. This Ordinance shall be deemed to be an amendment to the Code of Ordinances of the City of Sanibel.

**SECTION 3.** Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

**SECTION 4.** Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

**SECTION 5.** Effective date. This Ordinance shall be effective immediately upon adoption.

**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Florida, this 1st day of March, 2011.

AUTHENTICATION:

_____
Kevin Ruane, Mayor

_____
Pamela Smith, City Clerk

APPROVED AS TO FORM: Kenneth B. Cuyler, City Attorney

2/22/11
Date

First Reading: March 1, 2011
Publication Notice: _____
Second Reading: _____

**Vote of Council Members:**

Ruane ____
Denham ____
Harrity ____
Jennings ____
Pappas ____

Date Filed With City Clerk:_____