

CITY OF SANIBEL

ORDINANCE NO. 13-XXX

AN ORDINANCE AMENDING CHAPTER 66 OF THE SANIBEL CODE OF ORDINANCES ENTITLED “TRAFFIC”, ARTICLE II, “PARKING, STOPPING AND STANDING”, DIVISION 1 – “GENERALLY” IN ORDER TO PROVIDE A PROHIBITION ON THE PARKING, STOPPING OR STANDING OF ANY BUS (OTHER THAN A SCHOOL BUS), VAN OR OTHER MOTOR VEHICLE ON ANY PUBLIC STREET OR ROAD OR WITHIN ANY PUBLIC STREET OR ROAD RIGHT-OF-WAY FOR PURPOSES OF ALLOWING OR PERMITTING PASSENGERS TO EXIT OR ENTER THE VEHICLE; PROVIDING EXCEPTIONS; PROVIDING A PENALTY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the parking, stopping or standing of any bus (other than a school bus), van or any other motor vehicle on a public street or road, or within the right-of-way of any public street or road, for purposes of allowing passengers to enter or exit from such vehicle poses a serious safety concern to both such passengers and the traveling public in general; and

WHEREAS, protection of the health, safety and welfare of the citizens and visitors of the City of Sanibel and the traveling public in general requires that such parking, stopping or standing of a bus (other than a school bus), van or other motor vehicle for purposes of allowing passengers to enter or exit from such vehicle be prohibited;

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

SECTION ONE. The Sanibel Code of Ordinances CHAPTER 66, “TRAFFIC”, ARTICLE II, “Parking, stopping and standing”, Division 1 “Generally” be amended by adding a new Section 66-39 and renumbering Sections as necessary, with additions indicated by underlining and deletions indicated by strike-through, to read as follows:

Sec. 66-39. – Parking, stopping or standing on a road or within road right-of-way for passengers to enter or exit the vehicle is prohibited.

- (a) No person shall park, stop or stand a bus, van or other motor vehicle on any public street or road or within any public street or road right-of-way for the purpose of allowing or permitting passengers on such bus, van or other motor vehicle to enter or exit from such vehicle. Without limitation, this prohibition extends to any individually owned or leased bus, van or other motor vehicle, any chartered bus, van or other motor vehicle, and any tour bus, van or other motor vehicle. It does not apply to a school bus.

(b) Exceptions.

The following shall constitute lawful exceptions to the prohibitions set forth above:

- (1) In the event that a bus, van or other motor vehicle is involved in an emergency situation including, but not limited to, a vehicle breakdown or accident, the prohibition set forth above shall not be applicable.
- (2) In the event that the operator of the bus, van or other motor vehicle is operating under the authority of a special events permit issued by the City of Sanibel, the operator of the bus, van or other motor vehicle may operate such vehicle in accordance with the special events permit, or under the authority of such permit, and in accordance with all conditions thereof.
- (3) Where the bus, van or other motor vehicle is an emergency vehicle, a governmental vehicle or public utility vehicle on official business.

(c) Penalty.

Violation of the provisions of this section shall subject the offender to the penalties and procedures set forth in Section 66-37.

SECTION TWO. Former Section 66-39 entitled “Parking in designated handicapped parking spaces” is hereby renumbered to Section 66-40.

SECTION THREE. Codification. This ordinance shall be deemed an amendment to Sanibel Code of Ordinances and shall be codified in the Sanibel Code of Ordinances as such an amendment.

SECTION FOUR. 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 FIVE. 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 SIX. Effective Date. This Ordinance shall be effective immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this ____ day of _____, 2013.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

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

Vote of Council Members:

Ruane _____
Congress _____
Denham _____
Harrity _____
Jennings _____

First Reading _____
Publication Date _____
Second Reading _____

Date Filed with City Clerk: _____