

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; and

**WHEREAS**, passengers who exit from vehicles within, or adjacent to or within close proximity to, the motor vehicle travel lanes of City beach access parking lots cause a public safety issue; and

**WHEREAS**, passengers who exit from vehicles within, or adjacent to or within close proximity to, the motor vehicle travel lanes of City beach access parking lots cause delays, or potential delays, to other drivers and passengers of motor vehicles attempting to access parking spaces within such parking lots;

**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.** The Sanibel Code of Ordinances CHAPTER 66, “TRAFFIC”, ARTICLE II, “Parking, stopping and standing”, Division 2 “Beach Area Parking Restrictions” be amended by adding new Subsection (a)(11) to Section 66-101 and amending Section 66-101(b)(1)(b), with additions indicated by underlining and deletions indicated by strike-through, to read as follows:

**Sec. 66-101. - Prohibitions and penalties.**

(a) It shall be unlawful and prohibited for any person to:

- (1) Park a vehicle in a parking zone designated residential or restricted without first having obtained the appropriate permit for the particular zone as set forth in subdivision II of this division.
- (2) Park a vehicle in a parking zone designated residential or restricted without displaying the appropriate permit in the manner set forth in section 66-80.
- (3) Give false information in the application for permit.
- (4) Display a permit on a vehicle other than the vehicle permitted.
- (5) Park a bicycle or moped in either a residential or restricted zone in any place other than the rack designated for bicycles and mopeds.
- (6) Park a vehicle in a parking zone designated residential or restricted with an expired or otherwise invalid permit.
- (7) Park a vehicle outside of the designated area or space as provided for in section 66-58 or in a prohibited parking area regardless of whether the vehicle is permitted.
- (8) Park an oversize vehicle (within the meaning of section 66-83) in any parking zone.
- (9) Park a vehicle, including bicycles and mopeds, in any residential or restricted parking zone at any time other than the hours of 7:00 a.m. to 8:00 p.m. during Eastern Standard Time and 6:00 a.m. to 9:00 p.m. during Daylight Saving Time.
- (10) Park a vehicle in a parking zone designated general parking—Paid or designated general parking—Paid at Gulfside City Park, the city public boat ramp facility parking lot or causeway parking lot without displaying a current and valid permit issued by the city; or, in the case of general parking—Paid at Bowman's Beach Park, without either displaying a current and valid permit issued by the city or a current and valid county regional parks pass.
- (11) Park, stop or stand any vehicle in, or adjacent to or within close proximity to, a vehicle travel lane within any City owned, controlled or regulated beach access parking lot for the purpose of discharging passengers, equipment, accessories and the like so that it causes, or has the potential to cause, a delay in vehicular access and right-of-way to other vehicles or a danger to passengers exiting the stopped vehicle. The

discharge of passengers and the removal of beach accessories or equipment such a beach chairs, umbrellas, coolers and the like shall occur in designated parking spaces in the beach access parking lot. An exception to this prohibition is hereby made for vehicles with a carrying capacity of eight (8) or fewer persons where only passengers with personal or hand held accessories are discharged from the parked or stopped vehicle from an area not located within a vehicle travel lane and which does not require such passengers to be in or enter such vehicle travel lane while exiting the vehicle.

(b) Violation of the prohibitions in subsection (a) of this section shall subject the violator to the following:

- (1) Any person violating the provisions of subsections (a)(1), (2), (4), (5), (6), (7), (8), (9) or (10) of this section shall be subject to:
  - a. The impoundment procedures set forth in articles VI and VII of this chapter.
  - b. A civil penalty of \$35.00, provided the penalty is paid within ~~five~~ working fifteen calendar days after issuance of the ticket. Upon failure to pay the civil penalty in a timely manner and in the prescribed amount, or upon a court hearing request, the ticket may be referred to county court for further action pursuant to, and in accordance with, penalties provided in F.S. § 316.1967.
- (2) Any person violating the provisions of subsection (a)(3) of this section shall be, upon conviction, punished by a fine not exceeding \$100.00 in the discretion of the judge, for each offense. If the violation involves a false statement under oath, then the penalties for perjury under the laws of the state shall apply.

(c) *Liability for violations.* The permit holder or, if the vehicle is not permitted, the vehicle registrant, is responsible and liable for payment of any parking ticket, fine, civil penalty or impoundment fee or enforcement procedure under this division unless the permit holder or vehicle registrant as the case may be furnishes evidence that the vehicle was, at the time of violation, in the care, custody or control of another person. In such instances, the permit holder or vehicle registrant as the case may be is required, within a reasonable time after notification of the violation, to furnish to the city police the name and address of the person who had care, custody or control of the vehicle. The permit holder or vehicle registrant as the case may be is not responsible for any violation if the vehicle involved was, at the time, stolen or in the care, custody or control of some persons who did not have permission of the permit holder to use the vehicle.

**SECTION THREE.** Former Section 66-39 entitled "Parking in designated handicapped parking spaces" is hereby renumbered to Section 66-40.

**SECTION FOUR.** 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 FIVE.** 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 SIX.** 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 SEVEN.** 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: \_\_\_\_\_