

7. Second Reading and Public Hearing

9:15 A.M.

- a. **ORDINANCE 09-006 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 66-85 - FEES; HOURS, OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; AMENDING THE FEE SCHEDULE IN SECTION 66-85; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

CITY OF SANIBEL

ORDINANCE NO. 09-006

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 66-85 - FEES; HOURS, OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; AMENDING THE FEE SCHEDULE IN SECTION 66-85; 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 66-85, Fees; Hours, is hereby amended, with underlining indicating additions and strikethrough indicating deletions, to read as follows:

Sec. 66-85. Fees; hours.

(a) The following schedule shall constitute the parking permits schedule of fees:

- (1) a. Resident and/or Sanibel ad valorem taxpayer  
property owners parking permits ("A" decals). . . . . \$12.00
- b. Full-time and Part-time City of Sanibel Employees  
and City of Sanibel Retirees . . . . . 12.00
- ~~Others. . . . . 90.00~~
- (2) Restricted parking permits ("B" decals):
  - ~~Nonresidents owners of city real property and~~  
non-Sanibel ad valorem taxpayer property owners. . . . . . ~~12.00~~ 90.00
- (3) Restricted parking permits ("C" decals). . . . . 90.00
- (4) Combination parking permits
  - a. Resident ("AC" decals). . . . . 102.00
  - b. ~~Nonresident owners of city real property~~  
~~("BCR" decals).~~ . . . . . ~~102.00~~

|     |   |        |
|-----|---|--------|
| be. | Nonresident (“BC” decals) . . . . .   | 180.00 |
| (5) | General parking permits (“pay and display” receipts):   |        |
| a.  | General parking permits, per hour or any fraction. . . . .  | 2.00   |
| b.  | General parking at Gulfside City Park permits, per hour or any fraction. . . . .  | 2.00   |
| c.  | General parking at Bowman’s Beach Park permits, per hour or any fraction. . . . .                                       | 2.00   |
| d.  | Resident and restricted parking permits issued shall not be pro-rated. Cost of permits will remain the same throughout. |        |
| e.  | General parking at Lighthouse Park Facility permits, per hour or any fraction. . . . .                                  | 2.00   |
| f.  | Transfer or reissue (residential and restricted only). . . . .  | 3.00   |

(b) The fees set forth in this section for general parking permits shall apply from 7:00 a.m. to 7:00 p.m., with the exception of the Lighthouse Park Facility, which fees shall apply 24 hours per day.

(c) The revised fees for ~~resident and restricted~~ permits shall be effective for the permit year commencing ~~December 1, 2003~~ October 1, 2009. ~~The fees for general parking—Paid permits shall become operative when the city manager has established a fee collection system and has posted the applicable fee schedule at the designated parking areas.~~

(d) Civil penalty . . . \$50.00

(e) Filing Fee . . . . \$10.00

(f) It is unlawful for any vehicle to park in unauthorized locations or without the appropriate parking permit. The driver and the owner of the vehicle in violation of this section shall be subject to the penalty set forth in Subsection (d) plus the filing fee set forth in Subsection (e). If payment is received within 15 calendar days from the date the ticket is written, a discount of \$15.00 will be granted, and the civil penalty shall be \$35.00 plus the filing fee set forth in Subsection (e).

(g) Each citation issued for a violation shall advise that the court shall assess an additional charge of \$40 in court costs against the defendant pursuant to Section 34.045(1)(b), Florida Statutes, in the event that the court finds a defendant in violation of this ordinance.

(h) It shall be unlawful and a violation of this ordinance to provide false information or to make misrepresentations of residency, taxpayer status or any other matter in order to obtain, or attempt to obtain, a parking permit or decal as required by this ordinance. Any such violation shall be subject to the penalty and shall be prosecuted in accordance with the provisions of Section 1-15(a) through (g) of the Sanibel Code of Ordinances.

**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 5th day of May, 2009.

AUTHENTICATION:

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Mick Denham, Mayor

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Pamela Smith, City Clerk

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

4/14/09  
Date

First Reading: April 21, 2009  
Publication Notice: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

**Vote of Council Members:**

Denham \_\_\_\_\_  
Ruane \_\_\_\_\_  
Harrity \_\_\_\_\_  
Jennings \_\_\_\_\_  
Pappas \_\_\_\_\_

Date Filed With City Clerk: \_\_\_\_\_