

CITY OF SANIBEL

ORDINANCE 19-009

AN ORDINANCE AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 2, BEACH AREA PARKING RESTRICTIONS, SUBDIVISION III, PERMITS, SECTION 66-85 – FEES; HOURS; UPDATING THE HOURS AND LOCATIONS APPLICABLE TO GENERAL PARKING PERMITS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 66-85(c), Sanibel Code, describes the hours and locations applicable to general parking permits; and

WHEREAS, since Section 66-85(c), Sanibel Code, was last updated, several new locations have been added for permitted parking, necessitating an update to this section of the Code;

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 III, 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
- (2) Restricted parking permits (“B” decals):
 - a. Nonresident and non-Sanibel ad valorem taxpayer property owners 124.00

- (3) Restricted parking permits (“C” decals)..... 90.00
- (4) Combination parking permits
 - a. Resident (“AC” decals)..... 102.00
 - b. Nonresident (“BC” decals).....248.00
- (5) General parking permits (“pay and display” receipts):
 - a. General parking permits, per hour or any fraction..... 5.00
 - b. General parking at Gulfside City Park permits, per hour or any fraction..... 5.00
 - c. General parking at Bowman’s Beach Park permits, per hour or any fraction..... 5.00
 - 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..... 5.00
 - 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 for all City facilities with paid parking, including, without limitation, Blind Pass, Boat Ramp, Bowman’s Beach, Gulfside City Park (Algiers), Lighthouse Beach & Fishing Pier and Trost Parking lot facilities.

- (c) Civil penalty.....(if paid within 14 days of violation)..... \$50.00
(if paid after 14 days of violation)..... \$75.00

(d) Filing fee..... \$10.00

(e) 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 (c) above, plus the filing fee set forth in subsection (d). If payment is received within 14 calendar days from the date the ticket is written, a discount of \$25.00 will be granted, and the civil penalty shall be \$50.00, plus the filing fee set forth in subsection (d).

(f) Each citation issued for a violation shall advise that the court shall assess an additional charge of \$40.00 in court costs against the defendant pursuant to F.S. § 34.045(1)(b), in the event that the court finds a defendant in violation of this section.

Vote of Council Members:

Ruane	<u>yea</u>
Denham	<u>yea</u>
Johnson	yea
Maughan	yea
Smith	<u>yea</u>

Date Filed With City Clerk: November 5, 2019

- (g) It shall be unlawful and a violation of this section 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 the ordinance from which this section derives. Any such violation shall be subject to the penalty and shall be prosecuted in accordance with the provisions of subsections 1-15(a) through (g) of the Sanibel Code of Ordinances.

SECTION 2. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

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 November, 2019.



Kevin Ruane, Mayor

AUTHENTICATION:


Pamela Smith, City Clerk

APPROVED AS TO FORM: 

John D. Agnew, City Attorney

9/23/19

Date

First Reading: October 2, 2019
Publication Notice: October 24, 2019
Second Reading: November 5, 2019