

ORDINANCE NO. 1728 - 2018

AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING ARTICLE III OF THE ROCKLEDGE CODE OF ORDINANCES BY ADDING AND CLARIFYING DEFINITIONS; ADDING THE ROCKLEDGE CODE ENFORCEMENT OFFICER AS A PERSON OF AUTHORITY TO ISSUE CITATIONS; INCREASING FINES FOR PARKING VIOLATIONS TO \$40.00; CLARIFYING PROCEDURES FOR PROCESSING AND PAYING FINES RELATING TO PARKING, STOPPING AND STANDING VIOLATIONS; DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES.

WHEREAS, the City of Rockledge Council Administrative, Personnel and Community Relations Committee has reviewed the Rockledge Department of Public Safety recommendations to improve the procedures for the issuance of citations, penalties and fines for violation of the Rockledge Code of Ordinances for parking, stopping and standing of motor vehicles; and

WHEREAS, the Council Administrative, Personnel and Community Relations Committee recommended that various changes be adopted in the best interest of the City of Rockledge; and

WHEREAS, the Rockledge City Council has reviewed the recommendations of the Council Administrative, Personnel and Community Relations Committee and accepts same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF ROCKLEDGE, FLORIDA, AS FOLLOWS:

SECTION 1. Article III of the Rockledge Code of Ordinances is amended as follows:

- A. Section 21-31 of the Rockledge Code of Ordinances, "Definitions," is deleted and replaced with a new Section 21-31 thereof as follows:

Sec. 21-31. - Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

- (a) *City Council* means the City Council of the City of Rockledge, Florida.
- (b) *City Clerk* means the City Clerk of the City of Rockledge, Florida.
- (c) *Clerk of the Court* means the Clerk of the Brevard County Court.
- (d) *Crosswalk* means:
 - (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
 - (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (e) *County* means Brevard County, Florida.
- (f) *City* means the City of Rockledge, Florida.
- (g) *Designated parking space* means any parking space posted with a sign bearing the internationally accepted wheelchair symbol and the caption "parking by disabled permit only."

- (h) *Director of Public Safety/Chief of Police* means the Director of the Public Safety Department or Chief of the Department of Public Safety Police Division or his or her designee.
- (i) *Handicapped person* means any person with permanent mobility problems who has been issued an exemption entitlement parking permit pursuant to Section 320.0844, Florida Statutes.
- (j) *Inoperable motor vehicle* means any motor vehicle, the condition of which is such that the motor vehicle is incapable of being immediately and lawfully operated by its own power on the public streets and highways of the State in full compliance with all legal requirements applicable to the operation of such motor vehicle in the State. A motor vehicle which does not bear a current license plate issued for such vehicle shall, for the purposes of this article, be deemed an inoperable motor vehicle.
- (k) *Intersection* means:
- (1) The area embraced with the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
 - (2) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways shall be regarded as a separate intersection.
- (l) *Motor vehicle or vehicle* means any vehicle which is self-propelled by any means whatsoever.
- (m) *Official sign* means any sign which is placed or erected by the authority of a public body having jurisdiction for the purpose of regulating traffic or parking.

- (n) *Official traffic control devices* means all signs, signals, markings and devices not inconsistent with the provisions of Ch. 316, Florida Statutes, placed or erected by authority of a public body or official having jurisdiction for the purposes of regulating, warning or guiding traffic.
- (o) *Owner* means a person who holds the legal title to a vehicle, or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, or lessee, or mortgagor shall be deemed the owner, for the purpose of this article.
- (p) *Park or parking* means the standing of a vehicle, whether occupied or not, other than temporarily, for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers as may be permitted under this article.
- (q) *Pedestrian* means any person afoot.
- (r) *Person* means any natural person, firm, co-partnership, association or corporation.
- (s) *Police officer or law enforcement officer* means a police officer or law enforcement officer of the Department of Public Safety Police Division.
- (t) *Private road or driveway* means any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
- (u) *Public parking space* means any parking space on private property which the owner, lessee or person in control of such property provides for use by members of the public, other than employees of such owner, lessee or person, including, but not limited to, parking spaces at shopping centers, stores, offices, motels, malls, restaurants and marinas.
- (v) *Public Works Department* means the City of Rockledge Public Works Department.
- (w) *Safety zone* means the area or space officially set apart within a roadway for the exclusive use of

pedestrians and protected or so marked by adequate signs or authorized pavement markings as to be plainly visible at all times while set apart as a safety zone.

- (x) *Sidewalk* means that portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines, intended for use by pedestrians.
- (y) *Stand or standing* means the halting of a vehicle, whether occupied or not, other than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by this article.
- (z) *Stop or stopping when prohibited* means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or traffic control sign or signal.
- (aa) *Street or highway* means the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic.
- (bb) *Traffic* means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street or highway for purposes of travel.

B. Section 21-33 of the Rockledge Code of Ordinances "Stopping, standing or parking prohibited in certain areas or spaces; manner of parking" is deleted and replaced with a new Section 21-33 thereof as follows:

Sec. 21-32. - Prohibition against parking, leaving, storing, keeping or abandoning of inoperable motor vehicles on public streets.

- (a) No person shall park, leave, store, keep, or abandon any inoperable motor vehicle upon any street, highway or public property within the City.
- (b) The prohibition of subsection (a) of this section shall not apply to an unavoidable situation where a

motor vehicle accidentally and fortuitously becomes disabled and inoperative while in the process of being operated upon a public street or highway, or while the same is lawfully parked on a public street or public property, and, as a result of such unavoidable circumstance, said vehicle is parked in a lawful parking area on a public street or public property of the City while repairs are being made; provided, however, that in the event of such unavoidable parking of an inoperable motor vehicle pending repairs, said vehicle shall not be left, parked, stored or permitted to remain on the public street or public property for more than forty-eight (48) hours and shall be removed from the public street or public property within forty-eight (48) hours of the time said vehicle becomes inoperable, by wrecker towing if necessary, regardless of the nature of the circumstances.

Sec. 21-33. - Stopping, standing or parking prohibited in certain areas or spaces; manner of parking.

(A) *Prohibitions.* Within the incorporated areas of the City, except when necessary to avoid conflict with other traffic, or in compliance with law, or the directions of a City police officer, code enforcement officer, other law enforcement officer, or official traffic control device, no person shall:

- (1) Stop, stand or park a vehicle:
 - (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (b) On a sidewalk, bike path or bike lane.
 - (c) Within an intersection.
 - (d) On a crosswalk.
 - (e) Between a safety zone and the adjacent curb, or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the Public Works Department or the State Department of Transportation indicates a different length by signs or markings.
 - (f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

- (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
 - (h) On any railroad tracks.
 - (i) At any place where official signs prohibit stopping.
 - (j) In such manner as to block a traffic lane or to interfere with the orderly flow of traffic so as to constitute a hazard to the passage of emergency vehicles.
 - (k) Upon any street, highway or public property within the City so as to constitute a safety hazard.
 - (l) Upon any street, highway or public property in the City for a period exceeding ten (10) days when the vehicle is inoperative because of being wrecked, dismantled, partially dismantled or lacking a valid license plate for the current year.
 - (m) Upon a street opposite the direction of the flow of traffic. Right wheels must be to curb.
- (2) Stop, stand or park a truck having a load capacity greater than one and one-half (1½) tons:
- (a) Upon any part or portion of the west one hundred (100) feet of Burlington Avenue in the City.
- (3) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- (a) In front of a public or private driveway.
 - (b) Within fifteen (15) feet of a fire hydrant.
 - (c) Within twenty (20) feet of a crosswalk at an intersection.
 - (d) Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.
 - (e) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire

station within seventy-five (75) feet of said entrance.

- (f) At any place where official signs prohibit standing.
 - (g) Within fifty (50) feet of the nearest rail of a railroad crossing unless the Public Works Department or the State Department of Transportation establishes a different distance due to unusual circumstances.
 - (h) At any place where official signs prohibit or restrict parking, or in excess of time periods authorized by such signs.
 - (i) Along or adjacent to any curb painted red or yellow, or across the delineated boundaries of a public parking place.
- (4) Park a vehicle, at any time, on or upon any part of the road right-of-way of Fiske Boulevard, Gus Hipp Boulevard, Murrell Road or Barton Boulevard in the City. A new, separate and independent violation of this section shall be deemed to have been committed in each instance or occasion wherein a vehicle remains parked in, on, or upon any of the herein described road rights-of-way continuously for more than six (6) hours after a parking citation has been issued and posted on said vehicle for a previous violation of this section.
- (5) Park, or cause to be parked, any truck or commercial vehicle having a greater load capacity than one and one-half (1½) tons, or any boat, boat trailer, horse trailer, utility trailer, flatbed trailer, van trailer, house trailer, mobile home, semitrailer, truck tractor or recreational vehicle type unit on any public street, avenue, alley, thoroughfare or right-of-way within the City limits of the City for more than one hour in any twenty-four (24) hour period. The term "recreational vehicle type unit," as used herein, shall have the meaning ascribed to that term by Florida Statutes, and shall include the entities known as travel trailer, camping trailer, truck camper, motor home, private motor coach, van conversion and park trailer as defined by Florida Statutes.

The Director of Public Safety or the Chief of the Police Division of the Department of Public Safety, or his or her duly authorized designee, may issue, upon proper application therefore to the Department of Public Safety, Police Division, a permit extending the parking time limit set forth above up to, but not exceeding, twenty-four (24) hours if it is first demonstrated by the applicant that the requested extension of parking time is reasonably necessary for one or more of the following reasons:

- (a) For the purpose of loading or unloading, or both, of goods, wares, merchandise, materials or tangible personal property at premises directly abutting the place where the extended parking is to occur, when such extended parking is necessary in the ordinary course of business of a moving, hauling, transport, delivery or similar operation.
- (b) To make such repairs to the vehicle, boat, trailer, van or other entity as are necessary for the removal thereof.
- (c) Such other reason or cause as is comparable in nature, character and necessity to those reasons hereinabove described.

Any permit issued by the Police Division of the Department of Public Safety extending the parking time limitation herein imposed shall grant the extension for only such period of time, not exceeding twenty-four (24) hours, as is necessary to accomplish the purpose for which the permit is granted.

(B) *Manner.* Within the incorporated areas of the City:

- (1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way street or highway shall be so stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or edge of the street or highway.
- (2) Except when otherwise provided by City ordinance, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked parallel to the or edge of the roadway, in the direction of authorized traffic movement, with its right-hand

wheels within twelve (12) inches of the right-hand curb or edge of the roadway, or its left wheels within twelve (12) inches of the left-hand curb or edge of the roadway.

Sec. 21-34. - Public parking spaces designated for certain handicapped persons.

No person shall park any vehicle or bicycle in any designated parking space located on City-owned or leased property, or private property within the incorporated areas of the City, unless such person is a handicapped person as defined in this article or unless such person is momentarily parking in such parking place for the purpose of unloading or loading a handicapped person as defined herein.

C. Section 21-35 of the Rockledge Code of Ordinances "Penalties for violation of Sections 21-32, 21-33 and 21-34" is deleted and replaced with a new Section 21-35 thereof as follows:

Sec. 21-35. - Penalties for violation of Sections 21-32, 21-33 and 21-34.

- (a) Pursuant to Chapters 316 and 318, Florida Statutes, any person cited for a violation of section 21-32, 21-33, or 21-34 of this Code shall be deemed to be charged with a non-criminal, non-moving violation and shall be assessed a civil penalty according to the following schedule:
 - (1) Forty dollars (\$40.00) for a violation of subsections (A)(1)(a) through (e) of section 21-33, subsection (A)(3)(e) of section 21-33, or section 21-32 of this Code.
 - (2) Forty dollars (\$40.00) for a violation of subsections (A)(3)(a) through (d) and (f) through (i) of section 21-33; or subsection (b) of section 21-33.
 - (3) Two hundred fifty dollars (\$250.00) for each violation of the provisions of section 21-34 of this Code.
- (b) Each day any violation occurs or continues shall be a separate offense. For parking in excess of the time authorized in a public parking space, each succeeding equal time period beyond that authorized

as the maximum time period for the parking place shall constitute a separate offense.

- (c) The amount of any penalty specified in this section shall be doubled if payment is not received by the City Clerk prior to notice being mailed to the registered owner by certified mail pursuant to subsection (e) of section 21-42 of this article.
 - (d) Non-payment of fines after the fourteenth (14th) day of mailed notification shall be turned over to the Clerk of the Court for the collection process. Additional fees will be assessed for the non-payment fine amount to incorporate late fees (doubles non-payment amount) and Clerk of the Court processing fees.
- D. Section 21-41 of the Rockledge Code of Ordinances "Issuance of city parking citations" is deleted and replaced with a new Section 21-41 thereof as follows:

Sec. 21-41. - Issuance of City parking citations.

- (a) When any City police officer or code enforcement officer employed by the Department of Public Safety finds a vehicle in violation of the provisions of this article, or in violation of signs erected pursuant to the provisions of this article, they shall issue a parking citation to the vehicle by placing said citation in a conspicuous place on the vehicle. Said parking citation form shall be on prenumbered forms as required and approved by the City Clerk and shall contain the following information:
 - (1) Date, time and location of violation.
 - (2) Vehicle tag number, decal number, model and color.
 - (3) Name and address of registered owner or owners.
 - (4) Owner or owners date(s) of birth.
 - (5) Name and signature of issuing police officer or code enforcement officer.
 - (6) Descriptions of violations and amounts of penalties.

- (7) Directions as to payment of penalty or request for hearing.
 - (8) Statement as to effect of election to request hearing and failure to comply with the citation pursuant to Section 316.1967, Florida Statutes, as amended by Chapter 79-403, Laws of Florida.
 - (9) Blanks for name and mailing address of person receiving citation.
- (b) The police officer or code enforcement officer shall determine the registered owner of the vehicle for which a citation was issued and shall complete the citation form. The original copy of the citation form shall be forwarded to the City Clerk when completed for processing pursuant to section 21-42 of this article.

E. Section 21-42 of the Rockledge Code of Ordinances "Procedures governing payment of civil penalties and proceedings to enforce payment for city parking violations" is deleted and replaced with a new Section 21-42 thereof as follows:

Sec. 21-42. - Procedures governing payment of civil penalties and proceedings to enforce payment for City parking violations.

- (a) The City Clerk shall process parking violations issued by police officers or code enforcement officers within the boundaries of the City in accordance with the procedures contained in subsections (d), (e) and (f) of this section, which provide for:
- (1) The adoption of the appropriate regulations in sections 21-31 through 21-40 of the Rockledge Code of Ordinances.
 - (2) That violations of such regulations are a non-criminal violation enforceable, pursuant to the provisions of Section 316.1967, Florida Statutes, as implemented by subsections (b), (c) and (d) of this section.
 - (3) That the issuance and completion of prenumbered parking citations by police officers and code enforcement officers be on forms and in such format as required and approved by the City Clerk and contain the

information set forth in section 21-41 of this Code.

- (4) That payment or request for hearings in response to citations shall be received and processed by the city clerk to the clerk of the court.
 - (5) The amount of any penalty specified in this section shall be doubled if payment is not received by the clerk of the court prior to notice being mailed to the registered owner by certified mail pursuant to subsection (3) of Section 21-42 of this article.
- (b) Any person issued a City parking citation, pursuant to section 21-41 of this article, shall answer the citation by either of the following procedures within ten (10) days after the date of issuance of the citation:
- (1) Payment of the penalty indicated on the citation may be remitted to the City Clerk, pursuant to the directions on such citation.
 - (2) A hearing may be requested by the person receiving such citation or the cited vehicle's registered owner for the purpose of presenting evidence before a County judge concerning a parking violation. Any person requesting a hearing shall execute a statement on a form prepared by the City Clerk indicating his or her willingness to appear in accordance with the said statement and shall be subject to contempt proceedings or to other such penalties as the court may, in its discretion, impose to require compliance with this article.
- (c) Pursuant to the provisions of Section 316.1967(4), Florida Statutes, an election to request a hearing constitutes a waiver of the right to pay the penalty indicated on the parking citation, and a hearing officer, after said hearing, may impose a fine not to exceed two hundred fifty dollars (\$250.00).
- (d) Upon receipt of a completed parking citation submitted by a City police officer or code enforcement officer, pursuant to section 21-41(b) of this article, the City Clerk shall notify the

registered owner first listed on such citation of its issuance if there has been no response to the citation pursuant to subsection (b) of this section. Such notice shall be sent by regular mail and shall inform the registered owner concerning the nature and location of the parking violation and direct compliance with either of the alternatives specified in subsection (b) of this section within fourteen (14) days after the date the notice is mailed according to the records maintained by the City Clerk. The notice shall also contain a statement informing the registered owner of the increased penalty required pursuant to section 21-35 (c).

- (e) If payment of the penalty is not received, or if a hearing is not requested within the fourteen (14) day period after the notice described in subsection (d) of this section is mailed and such notice is not returned as undeliverable by the U.S. Postal service, the City Clerk shall send a similar notice to said owner by certified mail requesting compliance with either of the alternatives specified in subsection (b) of this section within ten (10) days after the date said notice is mailed, according to the records maintained by the City Clerk. The notice shall also contain a statement informing the registered owner of the increased penalty required pursuant to section 21-35(c) of this Code.

- F. Section 21-44 of the Rockledge Code of Ordinances "Disposition of fines and forfeitures for parking violations; -authorized costs" is deleted and replaced with a new Section 21-44 thereof as follows:

Sec. 21-44. - Disposition of fines and forfeitures for parking violations; authorized costs.

- (a) Except as otherwise provided in this section, all monies received by the City as a result of the parking citations issued by the City shall be paid to the City.
- (b) In those instances where payment is not remitted to the City Clerk for a City parking citation prior to notice being mailed to the registered owner by certified mail, pursuant to subsection (3) of

section 21-42, the City Clerk shall deduct its costs of one hundred dollars (\$100.00) from the penalty imposed. In those instances where a hearing is held, court costs up to one hundred dollars (\$100.00) may be assessed in addition to the penalty imposed.

SECTION 2. The provisions of this Ordinance are severable, and if any section, sentence, clause, or phrase hereof is for any reason held to be unconstitutional, invalid, or ineffective, such holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without the inclusion therein of any invalid portion or portions.

SECTION 3. This Ordinance shall become effective ten (10) days following its adoption and signed by the Chairman of the City Council.

ADOPTED at a regular meeting of the City Council of
the City of Rockledge, Florida, this _____ day of
_____, 2018.

Chairman, City Council of the
City of Rockledge, Florida

ATTEST:

City Clerk

1st Reading: 12/20/2017

2nd Reading: _____