

ORDINANCE NO. 09-4879

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE SARASOTA CITY CODE, CHAPTER 33, TRAFFIC AND MOTOR VEHICLES, TO INCREASE THE FEES FOR WHEEL-LOCKING AND DELINQUENCY AS WELL AS THE FINES FOR OVERTIME PARKING VIOLATIONS, PARKING IN RESTRICTED AREAS, DOUBLE PARKING, PARKING IN THE WRONG DIRECTION, ILLEGAL PARKING IN ALLEY, ILLEGAL PARKING IN AREAS DESIGNATED AS FIRE/EMERGENCY LANE AND HABITUAL PARKING VIOLATORS; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Sarasota City Code, Chapter 33, Traffic and Motor Vehicles contains regulations regarding enforcement of parking restrictions on streets and off-street City parking lots; and

WHEREAS, the availability of public parking is of critical concern to the citizens and visitors of the City of Sarasota; and

WHEREAS, an increase in the fees for wheel-locking and the fines for overtime parking will make them comparable to other communities enforcement schedules; and,

WHEREAS, an increase in these fees and fines is necessary to ensure that labor and administrative costs do not exceed the collection of fees; and,

WHEREAS, although not stated in the Code, vehicles that are parked in metered parking spaces with an expired meter are considered by the Parking Unit to be in violation of the overtime parking provisions of the Code; and,

WHEREAS, the amendments set forth herein are intended to provide clarification by expressly stating that these vehicles will be considered to be in violation of the overtime parking prohibitions; and,

WHEREAS, the City Commission finds the amendments to Chapter 33, as more particularly set forth herein are in the public interest and are necessary to protect the health, safety and welfare of the citizens of the City of Sarasota.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. The Code of the City of Sarasota; Chapter 33, Traffic and Motor Vehicles; Section 33-81, "Failure to comply with notice on parked vehicle" is hereby amended as follows: (Repealed text is shown in strike through format and new text is shown in underline format.)

"Sec. 33-81. Failure to comply with notice on parked vehicle.

(a) A violator of the restrictions on stopping, standing or parking under this chapter, the provisions of this Code or other city ordinances shall, within a period of fourteen (14) days, respond to the notice or citation affixed to such motor vehicle pursuant to section 33-80. If such violator does not appear, an additional delinquency fee of ~~ten~~ fifteen dollars ~~(\$10.00)~~ (\$15.00) shall be assessed and, in the event three (3) or more parking citations have been issued to the same violator within a ~~30-day~~ 60-day period, a habitual offender fee of thirty five dollars ~~(\$30.00)~~ (\$35.00) shall be assessed for each citation above three (3) issued to the same violator within any ~~30-day~~ 60-

day period. This habitual offender fee shall be in addition to the fine otherwise due pursuant to the fine schedule set forth in section 33-167. If a vehicle has outstanding parking citation fines totaling fifty dollars (\$50.00) or more including late fees, and the citations were issued at least thirty (30) days prior, upon finding the vehicle on the streets or within city-owned parking lots, officers, or others who have been lawfully so designated, are hereby authorized to lock the wheels of that automobile pursuant to section 33-85 at the expense of the violator.

(b) Upon wheel-locking a motor vehicle, the department shall cause to be placed on such vehicle, in a conspicuous place, notice sufficient to warn any individual that such vehicle has been wheel-locked and that any attempt to move such vehicle could result in damage to such vehicle. As soon as practicable, the office of the parking unit ~~violations—collection division~~ shall inform the owner of the wheel-locked vehicle of the nature and circumstances of the prior outstanding or unsettled traffic violation notices or summonses for which, or on account of which, such vehicle was wheel-locked.

(c) The owner of such wheel-locked vehicle, or other authorized person, shall be permitted to secure release of the vehicle upon:

(1) Depositing the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or summons; and the payment of the fees as required by subsection (e) of this section; or

(2) The depositing of the total amount of the fine or penalty referred to in paragraph (1) above as collateral for his appearance in county court to answer for each violation. The owner of a wheel-locked vehicle, or other authorized person shall have the right to a post-wheel-locked hearing to determine the validity of such wheel-locking, towing and any towing or storage charges. Such hearing must be requested within fifteen (15) days after the vehicle is wheel-locked and shall be conducted by the code enforcement special magistrate ~~master~~. The post wheel-locked hearing will not be determinative of or adjudicate any citation issued relative to any wheel-locked vehicle.

(d) The wheel-locking device or mechanism shall remain in place for forty-eight (48) hours unless the owner has complied with subsection (c) of this section. If compliance has not occurred within forty-eight (48) hours, the vehicle shall be towed or impounded. Towing and storage fees as specified in subsection (e) of this section shall be paid,

along with fees specified in subsection (c), before the owner of such vehicle, or authorized person, shall be permitted to take possession of or secure the release of the vehicle.

(e) The owner of a wheel-locked vehicle shall be subject to a fee of ~~thirty-five~~ fifty dollars (~~\$35.00~~) (\$50.00) for such wheel-locking. The owner of an immobilized vehicle which has been impounded shall be subject to a towing fee of seventy-five dollars (\$75.00), in addition to the wheel-locking fee, plus a fee for storage."

Section 2. The Code of the City of Sarasota; Chapter 33, Traffic and Motor Vehicles; Section 33-167, "Fine schedule," is hereby amended as follows: (Repealed text is shown in strike through format and new text is shown in underline format.)

"Sec. 33-167. Fine schedule.

The parking violations set forth in this article IV and the fines payable in each instance, are as set forth opposite each listed violation:

- (1) Overtime parking not in excess of one (1) hour
.....~~.15.00~~ 25.00
- (2) Overtime parking in excess of one (1) hour
.....~~.15.00~~ 25.00

- (3) Overtime parking in excess of two hours
.....~~15.00~~ 25.00
- (4) Parking in restricted areas~~25.00~~ 35.00
- (5) Double parking~~25.00~~ 30.00
- (6) Parking in wrong direction~~25.00~~ 35.00
- (7) Illegal parking in alley~~25.00~~ 35.00
- (8) Illegal parking in area designated as fire/emergency
lane ~~30.00~~ 35.00
- (9) Any other offense regulated or controlled by this
chapter, the provisions of this Code or ordinances of
the city in regard to the parking of motor vehicles on
the streets of the city and on the ~~metered~~ parking
lots ~~operated by~~ within the city~~25.00~~ 35.00
- (10) In addition to the parking fine otherwise set forth in
this section 33-167, habitual parking violators
receiving three (3) or more tickets for parking
violations described in this article within any 30-day
period, for each citation above three (3) issued to
the same violator within any ~~30-day~~ 60-day
period.....~~30.00~~ 35.00
- (11) Delinquency fee (Fines not paid within fourteen (14)
days of the date and time noted on citation for
parking violation shall be assessed an additional ~~ten~~

fifteen dollar ~~(\$10.00)~~ (\$15.00) delinquency
fee.).....~~10.00~~ 15.00

(12) Illegal parking in spaces provided by governmental or
nongovernmental entities for disabled persons whether
marked by the internationally accepted wheelchair, the
caption "PARKING BY DISABLED PERMIT ONLY" or both such
symbol and caption..... 250.00

(13) Erasing or obscuring any chalk marks placed upon tires
of any vehicle by police officers or others who have been
lawfully so designated by the city250.00"

Section 3. The Code of the City of Sarasota;
Chapter 33, Article IV, Division 2, Parking Meters, is
hereby amended by the creation of Section 33-136 to be
entitled "Duty of Operators of Vehicles to Deposit Payment;
Parking Beyond Time Fixed for Such Vehicle," and to provide
in its entirety as follows: (Repealed text is shown in
strike through format and new text is shown in underline
format.):

"Sec. 33-136. Duty of operators of vehicles to deposit
payment; parking beyond time fixed for such vehicle.

When any vehicle shall be parked in any space alongside of
or next to which there is located a parking meter, the
owner or operator of such vehicle shall, upon entering the
parking space, immediately deposit a payment in the parking

meter alongside of or next to such parking space, and the parking space may then be used by such vehicle during the parking time limit prescribed by the city manager for that part of the street in which such parking is located. If the vehicle shall remain parked in any such parking space beyond the parking limit allowed, the parking meter shall display a sign showing illegal parking and, in that event, such vehicle shall be considered as parked overtime."

Section 4. Should any section, sentence, clause, part or provision of this ordinance be held or declared invalid or unenforceable by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part held or declared to be invalid.

Section 5. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This ordinance shall take effect immediately upon second reading.


PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 5th day of October, 2009.

PASSED on second reading and finally adopted this 19th
day of October, 2009.

CITY OF SARASOTA, FLORIDA

Richard Clapp
Richard Clapp, Mayor

ATTEST:

A circular seal with a textured background. The word "SARASOTA" is visible at the top. In the center, there is a signature that reads "Billy E. Robinson". Below the signature, the text "Billy E. Robinson, CMC" and "City Auditor & Clerk" is printed.

Billy E. Robinson
Billy E. Robinson, CMC
City Auditor & Clerk

Yes Mayor Clapp
Yes Vice Mayor Kirschner
Yes Commissioner Atkins
Yes Commissioner Atwell
Yes Commissioner Turner

cityatty/ordinances/09-4879(TrafficAndMotorVehicles)/wcc/09-16-09