



Incorporated 1925

## ORDINANCE

5132

AN ORDINANCE OF THE CITY OF BOCA RATON ESTABLISHING REGULATIONS AND PROCEDURES FOR PARKING AND METERED PARKING; ESTABLISHING METERED PARKING ZONES WITHIN THE CITY; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO INSTALL PARKING METERS AND ENFORCE METERED PARKING REGULATIONS; ESTABLISHING PARKING VIOLATIONS; ESTABLISHING FINES FOR PARKING VIOLATIONS; AUTHORIZING THE CITY TO TOW VEHICLES AND ATTACH IMMOBILIZATION DEVICES; ESTABLISHING AN ADMINISTRATIVE REVIEW PROCESS; ESTABLISHING AN APPEAL PROCESS; ESTABLISHING SPECIAL RATES AND LICENSES; ADDING, MODIFYING, AND DELETING SECTIONS OF CHAPTER 16, CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

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1           WHEREAS, the City Council of the City of Boca Raton desires to provide parking  
2 meters for certain publicly-owned parking spaces in the City and provide regulations and  
3 procedures related to said parking meters; and

4           WHEREAS, the City Council of the City of Boca Raton desires to provide parking  
5 meters for said spaces to help businesses by providing a more frequent turnover of parking; and

6           WHEREAS, the City Council of the City of Boca Raton desires to add and modify  
7 sections of the Code of Ordinances to include authorization, regulations, enforcement, and  
8 procedures for the metered parking in specific areas of the City; now therefore

9  
10                                   THE CITY OF BOCA RATON HEREBY ORDAINS:  
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12           Section 1. Section 16-2, Code of Ordinances, is hereby deleted in its entirety.

13           Section 2. Sections 16-3 through 16-5, Code of Ordinances, are hereby renumbered  
14 as Sections 16-2 through 16-4.

15           Section 3. Sections 16-31 and 16-32, Code of Ordinances, are deleted in their  
16 entirety.

17           Section 4. Section 16-33, Code of Ordinances, is hereby renumbered as Section 16-  
18 43.

19           Section 5. Sections 16-31 to Sections 16-42, Code of Ordinances, are hereby  
20 created to read:

21           Article II. Stopping, standing, parking.

22           Sec. 16-31. Definitions.

23           For this Article, the following definitions shall apply:

24           "Acceptable Monetary Payment" shall mean United States currency including nickel,  
25 dime, quarter, dollar coin, dollar bill, five (5) dollar bill, ten (10) dollar bill, or twenty (20) dollar

1 bill, credit card, debit card, smart card or other acceptable legal tender accepted by the Parking  
2 Meter to purchase parking time.

3 "Duly Authorized City Representative" shall mean any City employee authorized to  
4 enforce parking regulations.

5 "Illegally Parked" shall mean a vehicle that is not properly parked within a designated  
6 parking space by exceeding a distance of twelve (12) inches from the curb if parallel parked,  
7 overhanging the lines designating the adjacent parking space, impeding the adjacent driving  
8 aisle, exceeding the posted time limit, and/or failing to pay all applicable parking fees.

9 "Immobilization Device" or "Boot" shall mean a device which is attached to the vehicle  
10 rendering it undrivable, and which is used to aid in the collection of unpaid parking violations.

11 "Legally Parked" shall mean a vehicle that is properly parked within a designated  
12 parking space. The tires of the passenger side of the vehicle, if parallel parked, shall be within  
13 twelve (12) inches from the curb. No portion of the vehicle shall overhang the lines designating  
14 the adjacent parking space. For angled parking, the vehicle shall be pulled forward as far as  
15 possible and in no way impede the adjacent driving aisle. The vehicle shall not overhang the  
16 adjacent parking lines designating the parking space. The vehicle shall not exceed the posted  
17 time limit in the designated parking space, and shall have paid all applicable parking fees.

18 "Metered Parking" shall mean parking that requires payment based on the length of  
19 time the vehicle is parked in an identified location.

20 "Overtime Parking" occurs when a vehicle exceeds the allowable time for a vehicle  
21 parking in a Parking Meter Zone or in a Timed Parking Area or other parking area which limits  
22 the amount of vehicle parking time.

23 "Parking Citation" is a paper ticket affixed to a vehicle for non-moving violations of city  
24 codes or Florida Statutes issued by a Duly Authorized Representative of the City of Boca Raton.  
25 Parking Citations have a monetary penalty or fine attached to each violation as described in the  
26 Boca Raton Municipal Facilities and Services User Fee Schedule (User Fee Schedule).

1 "Parking Meter" shall mean a single space or multi-space mechanical or electronic  
2 device that accepts payments for vehicles parking in parking spaces within Parking Meter  
3 Zones, and registers and displays that appropriate payment has been made.

4 "Parking Meter Zones" shall mean specific areas defined by location within the City of  
5 Boca Raton for which metered parking fees are imposed.

6 "Timed Parking Area" shall mean areas that are established which limit the length of  
7 time that parking is permitted.

8 Sec. 16-32. Areas where parking is prohibited.

9 It shall be a violation of this Article to stand, stop or park any vehicle in the City within,  
10 on or upon:

11 (a) An area posted with a sign which restricts parking to a specific time limit in excess  
12 of the fixed time limit;

13 (b) Any specifically designated and marked parking space or spaces provided for  
14 certain disabled persons, unless such vehicle displays a parking permit issued pursuant to  
15 Section 320.0848, Florida Statutes, and such vehicle is transporting a person eligible for the  
16 parking permit;

17 (c) Any sidewalk, bicycle path, crosswalk, median, or in any fire lane designated and  
18 approved by the fire chief and posted with an official sign as provided in section 7-30;

19 (d) Within any right-of-way or land in which the state, the County or the City has a legal  
20 interest and which is devoted to or required for use as a public street, including improved and  
21 unimproved property, sidewalks and swales therein and any area within a roadway which is not  
22 open to vehicular traffic, for the purpose of:

23 1. Displaying such vehicle for sale, lease or rent;

24 2. Washing, greasing or repairing such vehicle, except repairs necessary in an  
25 emergency parking of a disabled vehicle; emergency repairs are repairs that require less than  
26 24 hours to make vehicle operable from time of emergency parking; or

1           3. Displaying advertising.

2           (e) Within the community redevelopment area as designated by the City Council,  
3 between the hours of 7:00 a.m. and 9:00 a.m. and the hours of 4:00 p.m. and 6:00 p.m., within  
4 any portion of the paved right-of-way or land in which the state, the county or the city has a legal  
5 interest, and which is devoted to or required for the use as a public street for the purpose of  
6 loading or unloading goods or materials from a commercial vehicle;

7           (f) Any City, County or State parking facility in violation of any lawfully posted signs  
8 restricting the use of the facility; or

9           (g) Any right-of-way in a manner obstructing the operation of curbside collection  
10 services vehicle or container collection service vehicles in the performance of collection  
11 responsibilities.

12           Sec. 16-33. Parking on right-of-way prohibited; exceptions.

13           (1) It shall be a violation of this Article to park any vehicle on the paved portion of any  
14 right-of-way for any street, road or highway in the city except where adequate provision for  
15 motor vehicles has been provided by marked spaces for same or where signs clearly indicating  
16 that vehicle parking is permitted have been posted at such locations.

17           (2) This section shall not apply in case of emergency situations or vehicle breakdown;  
18 provided, however, that to the extent possible and whenever practical, the disabled vehicle shall  
19 wholly or partly be driven off of the paved portion of the roadway.

20           (3) This section shall not apply to the parking of any commercial vehicle, with or without  
21 trailer, upon the paved portion of a right-of-way for any period of time in which the operator of  
22 the vehicle is actively engaged in deliveries, lawn maintenance or other trade activity upon the  
23 abutting property, if there is insufficient unoccupied driveway space upon the abutting property  
24 to accommodate the length of the vehicle and trailer, if any. However, in every event, an  
25 unobstructed width of the paved portion of the right-of-way opposite the vehicle and trailer, if  
26 any, shall be left for the free passage of other vehicles, and a clear view of the stopped vehicle

1 shall be available from a distance of 200 feet in each direction upon the paved portion of the  
2 right-of-way. No such vehicle or trailer shall be stopped or parked on the paved portion of a  
3 right-of-way within 50 feet of any street intersection or marked crosswalk. For the purpose of  
4 this subsection, "commercial vehicle" and "trailer" shall mean as defined in section 28-2.

5           Sec. 16-34. Metered Parking.

6           (1) The establishment or modification of locations designated to be Parking Meter  
7 Zones shall be by resolution.

8           (2) The City is hereby authorized to install, or have installed, Parking Meters for the  
9 parking spaces in Parking Meter Zones.

10           (3) Each Parking Meter Zone shall provide notification that parking in that Parking  
11 Meter Zone requires payment and the maximum length of allowable parking time.

12           (4) Each Parking Meter shall mechanically or electronically indicate expiration of the  
13 paid parking time for the parking spaces covered by that Parking Meter.

14           (5) The fees to be charged by Parking Meters in each Parking Meter Zone shall be as  
15 described in the User Fee Schedule.

16           Sec. 16-35. Violations.

17           (1) It shall be a violation of this Article for any person to allow any vehicle registered in  
18 his name or under his control to be Illegally Parked or in Overtime Parking. A Parking Citation  
19 may be issued to owners of vehicles Illegally Parked or in Overtime Parking.

20           (2) Whenever any vehicle without a driver is found parked, stopped, or standing in  
21 violation of this Article or other City ordinance or by the laws and regulations of the State of  
22 Florida, a Duly Authorized Personnel may affix a Parking Citation to such vehicle.

23           (3) The fact that the time device on any working Parking Meter is showing no time  
24 remaining shall be presumptive evidence that the vehicle is in Overtime Parking.

25           (4) It shall be a violation of this Article for any person to deposit or cause to be  
26 deposited in any Parking Meter any slug, device, or inappropriate substitute for Acceptable

1 Monetary Payment, or to use any external device to falsely register time on a Parking Meter. It  
2 shall also be unlawful to insert foreign objects into the Parking Meter or to tamper with or to  
3 damage the Parking Meter in any way as set forth in Section 877.08, Florida Statutes.

4 (5) It shall be a violation of this Article to tamper with or to damage an Immobilization  
5 Device attached to a vehicle.

6 (6) The fact that a Parking Citation has been previously issued for a vehicle in  
7 Overtime Parking shall not prevent Duly Authorized Representatives of the City from issuing a  
8 subsequent Parking Citation. A subsequent Parking Citation may be issued for each  
9 subsequent violation of the maximum time limit provided on the legend of the Parking Meter or  
10 the posted signage.

11 Sec. 16-36. Fines for parking violations.

12 (1) A schedule of fines for parking violations within the City shall be listed in the User  
13 Fee Schedule.

14 (2) Parking violation fines as set forth in the User Fee Schedule shall be paid within  
15 fifteen (15) calendar days from the date of issuance of a Parking Citation.

16 (a) Parking violation fines not paid within fifteen (15) calendar days from the date of the  
17 Parking Citation shall be subject to a penalty fine as described in the User Fee Schedule.

18 (b) Parking violation fines and penalty fines for which full payment is not received within  
19 ninety (90) calendar days from the date of issuance may be referred to a collection agent or a  
20 private attorney pursuant to Section 938.35, Florida Statutes.

21 (c) In the case of overpayment of a parking violation fine and penalty fine, no refund  
22 shall be made if payment of any previous or subsequent Parking Citation is due and owing on  
23 any vehicle owned by the same registered owner of the vehicle, as long as such Parking  
24 Citation is not under appeal. The City shall apply such credit balance to the oldest outstanding  
25 delinquent Parking Citation first.

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1           Sec. 16-37. Towing; use of Immobilization Devices.

2           (1) Duly Authorized City Representatives are hereby authorized to direct the removal  
3 and impoundment of any vehicle in areas where signs have been posted indicating that it is a  
4 location from which vehicles will be removed if they are parked illegally.

5           (2) Law enforcement officers and Duly Authorized City Representatives of the City are  
6 hereby authorized to direct the removal and impoundment of any vehicle that is impeding traffic.

7           (3) Duly Authorized City Representatives are hereby authorized to attach, or have  
8 attached, an Immobilization Device, which prevents a vehicle from being moved under its own  
9 power, to a vehicle, or to have such vehicle towed, under the following conditions:

10           (a) The vehicle has, on at least three (3) prior occasions, been issued Parking Citations  
11 which the registered owner has failed to respond to by paying the fines and penalties resulting  
12 from the Parking Citations or by requesting an appeal hearing as provided in Section 16-41 to  
13 contest the Parking Citations; and

14           (b) The registered owner of the vehicle has been given written notice by mail that the  
15 vehicle will be subject to the provisions of this section if the owner does not pay all of the fines  
16 and penalties for all outstanding Parking Citations for that vehicle.

17           (4) The City Manager or designee shall maintain a current list of all vehicles to which  
18 an Immobilization Device may be attached and/or which may be towed pursuant to this section.

19           (5) If an Immobilization Device is attached to a vehicle under the provisions hereof, the  
20 Immobilization Device shall be attached to the vehicle at any location within the city where the  
21 vehicle is found, providing such location is in a right-of-way or a place where the public is invited  
22 to travel or a parking area owned or under the control of the City, except that no vehicle shall be  
23 immobilized within the traveled portion of any street or in any portion of any street when  
24 immobilization at such place would create a hazard to the public or to traffic.

25           (a) At the time an Immobilization Device is attached to a vehicle, a notice shall be  
26 affixed to the windshield or to the left front window stating that the Immobilization Device has

1 | been attached. The notice shall state the total amount of the unpaid Parking Citations and all  
2 | associated fees and fines for which the vehicle is immobilized, plus the fee for removal of the  
3 | Immobilization Device, and the information regarding the methods and locations for paying the  
4 | amount due.

5 |         (b) The Immobilization Device shall be removed from the vehicle only upon payment of  
6 | the outstanding Parking Citations and associated fines and penalties for which the vehicle has  
7 | been immobilized plus the fee for removal of the Immobilization Device. However, if an  
8 | Immobilization Device remains on a vehicle for more than forty-eight (48) hours, the vehicle may  
9 | be towed and impounded. The vehicle shall remain impounded until the costs of towing and  
10 | impoundment, as well as all outstanding Parking Citations and associated fines and penalties,  
11 | and Immobilization Device removal charge, are paid.

12 |         (6) If a vehicle is towed under the provisions hereof, the vehicle information shall be  
13 | forwarded to the Communications Division of the Police Services Department.

14 |         Sec. 16-38 Limitation of liability.

15 |         The City specifically disclaims liability for any damages, injuries, or losses caused by or  
16 | resulting from the use of an Immobilization Device and/or from towing and impoundment as  
17 | used in the provisions hereof.

18 |         Sec. 16-39. Withholding of license tags.

19 |         Pursuant to Section 316.1967(6), Florida Statutes, the City may periodically supply to  
20 | the Department of Highway Safety and Motor Vehicles (DMV) a listing of persons who have  
21 | three (3) or more unpaid Parking Citations. The City shall notify the DMV to remove a person  
22 | from such list only after all unpaid Parking Citations and all associated fines and penalties are  
23 | paid.

24 |         Sec. 16-40. Administrative review process.

25 |         The City's parking administrative office is authorized to dismiss a Parking Citation  
26 | under the following circumstances:

1 (a) Defective meters. If a person who has received a Parking Citation for Overtime  
2 Parking believes the Parking Meter used to determine the Overtime Parking violation is  
3 defective or malfunctioning, such person shall notify the City's parking administrative office in  
4 writing of the alleged defect or malfunction within 72 hours of the time of issuance of the Parking  
5 Citation by completing an on-line form or completing a form at the City's parking administrative  
6 office.

7 1. If the meter is found to be functioning properly, the person who contacted the City  
8 shall be notified in writing by the City's parking administrative office, and all fines and penalties  
9 shall be due and payable within 15 days of the date of the notification.

10 2. If the meter is found to be defective or malfunctioning, the person who contacted the  
11 City shall be notified in writing by the City's parking administrative office and the Parking Citation  
12 shall be deemed to be invalid and all fines and penalties shall be removed.

13 (b) Failure to display a valid placard. If a person who holds a valid permit receives a  
14 Parking Citation for Overtime Parking because the permit or placard was not properly displayed,  
15 such person shall bring the permit to the City's parking administrative office within fifteen (15)  
16 calendar days of the issuance of the Parking Citation. There shall be an administrative fee  
17 assessed as described in the User Fee Schedule for dismissing the Parking Citation based on  
18 an improperly displayed placard.

19 (c) The decision of the City's parking administrative office is appealable to the City's  
20 Special Master.

#### 21 Section 16-41. Appeals

22 (1) Any person issued a Parking Citation, or is the owner of a vehicle on which an  
23 Immobilization Device has been attached and/or is the owner of a vehicle that has been towed and  
24 impounded for parking violations under this Article, hereinafter referred to as the appellant, may file  
25 an appeal to establish if the Parking Citation was wrongfully issued, or if the vehicle had the  
26 Immobilization Device improperly attached or if the vehicle was improperly towed due to the failure

1 to meet the provisions of this Article. The appeal shall be heard by the City's Special Master, who  
2 shall proceed in accordance with the procedure in 2-117, 2-118 and 2-119, Code of Ordinances.

3 (2) An appeal must be submitted in writing by the appellant within fifteen (15) days  
4 of issuance of the Parking Citation and state the basis of the appeal thereof by the appellant, or  
5 within three days from the time an Immobilization Device was attached to the vehicle and/or the  
6 vehicle was towed and impounded. The filing of an appeal requires the payment of the appropriate  
7 appeal fee as set out in the User Fee Schedule.

8 (3) A hearing date shall be scheduled by the City upon receipt of the appeal. The  
9 appellant shall be given at least ten (10) days notice of the time and place of the hearing.

10 (4) At the conclusion of the hearing, the Special Master shall make a final and  
11 conclusive determination whether the Parking Citation was properly issued, or for booting and/or  
12 towing, that the booting and/or towing were proper following the provisions of this Article. The  
13 determination shall be reduced to writing and signed by the Special Master and filed in the office of  
14 the city clerk, and a copy shall be mailed to the appellant.

15 (5) The decision of the Special Master shall be effective when filed with the city  
16 clerk. (6) If the Special Master rules in favor of the appellant, all fees, fines and penalties paid  
17 by the appellant to the City regarding the specific Parking Citation(s), attachment of Immobilization  
18 Device, and/or vehicle towing and impoundment shall be returned to the appellant as soon as  
19 reasonably practicable.

20 (7) If the Special Master rules against the appellant, all fees, fines and penalties shall be  
21 due, including the fees for removing the Immobilization Device and/or towing and impounding, and  
22 all such costs must be paid in full before the vehicle is released to the owner. If all such fees have  
23 been paid prior to the appeal, the City shall retain all such fees.

24 Section 16-42. Special rates and parking licenses.

25 (1) Special Rates. The City Manager or designee may authorize a special single event  
26 rate in any Parking Meter Zone.

1 (2) Revocable Parking Licenses. A revocable license by which the City agrees to  
2 license parking spaces within a Metered Parking Zone may be issued by the City. The City  
3 Manager may issue such a revocable license for a period of time not to exceed five (5)  
4 consecutive days in any ninety (90) day period and the fee for such license shall be determined  
5 by the City Manager. Any revocable license for a period longer than five (5) days shall require  
6 review by the Planning and Zoning Board and approval by the Community Redevelopment  
7 Agency and/or the City Council, as appropriate. The fee for such license shall be determined by  
8 the City Council. A placard specifying the location and dates of the license may be issued for  
9 display in the vehicle(s) utilizing the license.

10 Section 6. If any section, subsection, clause or provision of this ordinance is held  
11 invalid, the remainder shall not be affected by such invalidity.

12 Section 7. All ordinances and resolutions or parts of ordinances and resolutions and all  
13 sections and parts of sections in conflict herewith shall be and hereby are repealed.

14 Section 8. Codification of this ordinance in the City Code of Ordinances is hereby  
15 authorized and directed.

16 Section 9. This ordinance shall take effect immediately after adoption.

17 PASSED AND ADOPTED by the City Council of the City of Boca Raton this 27<sup>th</sup> day  
18 of April, 2010.

19  
20 CITY OF BOCA RATON, FLORIDA

21  
22 ATTEST:

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24 Susan S. Saxton  
25 Susan Saxton, City Clerk  
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29 Susan Whelchel  
30 Susan Whelchel, Mayor  
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33 Approved as to form:

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Approved as to form:

  
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Diana Grub Frieser  
City Attorney

COUNCIL VOTE			
	YES	NO	ABSTAINED
MAYOR SUSAN WHELCHER	✓		
DEPUTY MAYOR SUSAN HAYNIE	✓		
COUNCIL MEMBER ANTHONY MAJHESS		✓	
COUNCIL MEMBER MICHAEL MULLAUGH	✓		
COUNCIL MEMBER CONSTANCE J. SCOTT	✓		

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