

ORDINANCE NO. C-16-17

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 26-164 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO ALLOW FOR IMMEDIATE REMOVAL OF VEHICLES PARKED ON BOTH PUBLIC AND PRIVATE PROPERTY IN VIOLATION OF THIS SECTION, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida has a significant interest in protecting the health, safety and welfare of the pedestrians and motorists in the City; and

WHEREAS, the City Commission finds that the use of the public right-of-way for the sale of vehicles can pose a hazard to pedestrians and motorists; and

WHEREAS, distractions of motorists occasioned by the exhibition of vehicles for sale in the right-of-way impedes the safe and orderly flow of traffic, causing vehicles to stop unexpectedly, to linger at traffic control devices, and causing motorists to fail to attend to driving;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 26-164 of the Code of Ordinances is hereby amended to read as follows:

Sec. 26-164. - Vehicles parked on public and private property; towing.

- (a) It shall be unlawful to stop, stand or park an unauthorized vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a law enforcement officer or official traffic-control device, in any public parking lot or parking area during hours when such parking lot or area is closed to the general public or upon any other public property where parking is restricted or prohibited.
- (b) It shall be unlawful for any person to park a motor vehicle, upon a public street or highway, a public parking lot, or other public property, or upon private property where the public has the right to travel by motor vehicle, for the principal purpose and intent of displaying the motor vehicle thereon for sale, hire, or rental unless the sale, hire, or rental of the motor vehicle is specifically authorized on such property by the Code of Ordinances of the City of Fort Lauderdale, Florida, and the person is in compliance with all City of Fort Lauderdale licensing requirements.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

- (1) The provisions of section (b) above do not prohibit a person from parking his or her own motor vehicle or his or her other personal property on any private real property for which the person owns or leases or on private real property which the person does not own or lease, for which he or she obtains the permission of the owner, or on the public street immediately adjacent thereto, for the principal purpose and intent of sale, hire, or rental.
- (c) A vehicle is subject to immediate removal without warning if it bears a telephone number that has been displayed on three or more vehicles offered for sale within a 12-month period.
- (bd) Law enforcement officers, ~~and~~ parking enforcement specialists, and code compliance officers are hereby authorized to issue a citation and cause to be immediately removed at the owner's expense any motor vehicle found in violation of Sections (b) and (c) above, except as provided in Section (b)(1) above, and the owner shall be assessed a penalty as provided in Florida Statutes Section 318.18(21).
- (e) Law enforcement officers, ~~and~~ parking enforcement specialists, and code compliance officers are hereby authorized to direct the removal of any vehicle stopped, standing or parked in violation of this section if signs have been posted indicating that the parking lot, parking area or public property is a location from which vehicles will be removed if they are parked illegally.
- (ef) Removal of vehicles from public property, parking lots or parking areas pursuant to this section shall be accomplished in accordance with the following procedure:
- (1) The law enforcement officer or parking enforcement specialist shall attempt to locate the owner or operator of the illegally parked vehicle within the immediate vicinity of the vehicle before causing the vehicle to be towed or removed.
 - (2) Once the vehicle is removed, a description of the vehicle shall be forwarded to the police department which shall, as soon as practicable, attempt to ascertain the identity of the owner of the vehicle. Within twenty-four (24) hours, the city shall attempt to contact the owner of the vehicle to notify him of the removal and location of the vehicle.
 - (3) If the city is unable to contact the owner or operator of the vehicle or if the vehicle remains unclaimed for forty-eight (48) hours, written notice of the towing and location of the vehicle shall be mailed to the registered owner of the vehicle.

- (4) Upon payment of the costs of towing and storage, a vehicle removed and impounded pursuant to this section will be released to the owner or operator.
- (5) An owner may secure the release of his vehicle without first paying the costs of towing and storage by posting a bond as provided by law.
- (6) Should the owner or operator of an illegally parked vehicle contesting the parking citation prevail in an administrative appeal conducted pursuant to section 26-113 or in a court of competent jurisdiction, the costs of removal and storage of the vehicle shall be borne by the city. If such an owner or operator has paid the towing and storage costs to obtain the release of his vehicle prior to prevailing in the administrative appeal or judicial proceeding, the city shall reimburse the owner or operator the full amount of such charges.

SECTION 2. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 4. That except as otherwise provided herein this Ordinance shall be in full force and effect immediately upon its final passage.

PASSED FIRST READING this the 16th day of August, 2016.

PASSED SECOND READING this the ____ day of _____, 2016.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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