

ORDINANCE NO. C-18-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 26, TRAFFIC AND PARKING, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING ARTICLE IX, TITLED "PRIVATE PARKING LOTS AND GARAGES," TO REGULATE PRIVATE PARKING LOTS AND GARAGES IN THE CITY OF FORT LAUDERDALE, FLORIDA, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, as more private parking lots and garages become automated, the confusion of differentiating between public and private parking facilities is increasing; and

WHEREAS, several private companies are using similar technology as the City and the private parking locations are in close proximity to city parking locations; and

WHEREAS, customers frequently use the wrong pay stations to pay for parking due to inadequate or confusing information at private parking lots and garages which leads to vehicles being towed from private lots; and

WHEREAS, the measures set forth in this ordinance are intended to regulate private parking lots and garages within the City of Fort Lauderdale, Florida, and to establish reasonable and uniform regulations in order to reduce inadequate or confusing parking information at private parking lots and garages, for the welfare of the residents and visitors of the City of Fort Lauderdale; and

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

SECTION 1. That Article IX – Private Parking Lots and Garages, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to read as follows:

Sec. 26-242. – City authorization required, Business tax receipt.

- (a) It shall be unlawful for any person or entity to engage in the operation or maintenance of a private parking lot or private garage for a fee or charge, unless

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such person or entity is authorized by the city and has paid the appropriate fee established by resolution of the City Commission.

- (b) No person or entity shall engage in the operation or maintenance of a parking lot or garage for a fee or charge unless such person holds a valid business tax receipt.

Sec. 26-243. – Private Parking Lots and Garages Defined, Payment Devices.

- (a) Private parking lots and garages shall be defined as any parking facility not owned or operated by the City of Fort Lauderdale or other governmental entities within City limits.
- (b) All private pay meters, pay stations or similar payment devices shall prominently display the name of the lot owner or operator and the lot owner's or operator's phone number. The operator's name, logo, payment devices and "Pay By Phone" notices shall not resemble the type or logo of the City of Fort Lauderdale. Payment devices and "Pay By Phone" notices must be illuminated at night if the parking facility is open after sunset.

Sec. 26-244. - Permit, records required.

- (a) Such permit shall serve as evidence of the operator's compliance with all building, zoning, finance, and lighting requirements the Florida Building Code, the Florida Building Code- Accessibility.
- (b) Copies of the business tax receipt must be displayed, or available, on the premises for ease of inspection by the city and at the office of the owner or operator. If no booth is available on-site, such documentation shall be displayed, or available for review, at the office of the owner or operator.

Sec. 26-245. - Owner, operator, and employee requirements.

- (a) Employees must wear a uniform with the parking lot owner or operator's company name and logo displayed on the uniform.

- (b) The name of all employees shall be listed by shift in the company's records available for inspection at the parking lot and garage location during its hours of operation or at the owner or operator's office during regular business hours.
- (c) No employee, individual owner or operator, or shareholder or member of an ownership or operating entity, of any parking lot or garage shall be employed by or have a controlling financial interest in any immobilization or tow company servicing a parking lot or garage for the same owner, operator or employee. Parking lot and garage operators and owners must follow state and county towing and booting requirements.

Sec. 26-246. – Notices indicating charges.

- (a) All persons properly licensed by the city to operate private parking facilities shall erect notices, one at each entrance of the parking lot or garage or if only one entrance exists, then one notice at such entrance, for which a business tax receipt is granted. Such notices shall:
 - (1) Not be smaller in size than two square feet;
 - (2) Not be larger in size than six square feet;
 - (3) Not have letters less than six inches in size printed or painted thereon, indicating the price and fee charged for vehicle parking and the period of time for which such fee or price is charged;
 - (4) Be displayed no less than five feet from the ground and no more than eight feet above the ground;
 - (5) Indicate the cost of parking, hours of operation, the name of the parking lot or garage, as well as the name, address and phone number of the owner or operator, and physical address of the parking lot or garage;
 - (6) Include a statement disclosure: *Operated by a private company*, and
 - (7) Include the contact information for the vendor conducting the immobilization or towing of vehicles in the facility;
- (b) If parking lots and garages are unattended and operate electronically or by multi-space, pay and display equipment, the rate information, and company's contact information shall be prominently displayed on the equipment and notice.

- (c) Any parking lot or garage advertisement or information provided to the public must be accurate and not false or deceptive in any manner.
- (d) All signage shall be in compliance with Sec. 47-22 of the City of Fort Lauderdale's Code of Ordinances.
- (e) It shall be unlawful for any such licensee or his agent or employee to charge a rate or fee higher than the rate published on the notices erected on the private parking lot or garage or displayed on any pay and display equipment as provided for in section 26-243.

Sec. 26-247 - Requirements for issuance of immobilization or towing license.

- (a) All property owners, immobilization and tow contractors must follow section 20-176.13 of the Broward County Code of Ordinances in order to be issued an immobilization or license.
- (b) Proof of the immobilization or tow license must be located at the parking facility at all times.

Sec. 26-248. – Lighting and condition of parking facilities.

- (a) All person(s) engaged in the operation or maintenance of a parking lot or garage shall have a continuous, uninterrupted duty to maintain adequate lighting in the parking lot or garage as defined by the City of Fort Lauderdale lighting ordinance section 47-20.14. The duty shall extend over all portions of the property being used for parking, including any ancillary landscaping features and all points of vehicular and pedestrian ingress and egress.
- (b) Private parking lots and garages must be kept in a safe and clean condition, and free from hazardous conditions such as broken glass, debris, and pot holes.

Sec. 26-249. – Violation/Enforcement

- (a) With the exception of sections 26-242(b) and 26-247, any violation of this Article shall be subject to a thirty-day warning to comply.

(b) With the exception of sections 26-242(b) and 26-247, any violation of this Article, which has not been brought into compliance in accordance with section 26-248(a), shall be subject to enforcement in accordance with Chapter 11 of the Code of Ordinances of the City of Fort Lauderdale; or Chapter 1, Section 1-6 of the Code of Ordinances of the City of Fort Lauderdale.

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.

SECTION 4. That this Ordinance shall be in full force and effect within ten (10) days from the date of final passage.

PASSED FIRST READING this the ____ day of _____, 2018.

PASSED SECOND READING this the ____ day of _____, 2018.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFF MODARELLI