

ORDINANCE 17-11

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING SECTION CHAPTER 30, ARTICLE III, SECTION 30-74 (b) RELATING TO FINES BY INCREASING THE FINE FOR PARKING VIOLATIONS; SECTION 30-76 (b) AND SECTION 30-76 (c) RELATING TO FINES AND HEARINGS INCREASING THE HEARING AND DELINQUENT FEE; SECTION 30-77 (b) RELATING TO IMPOUNDMENT ORDER TO PAY CITATIONS; SECTION 30-105 PENALTIES INCREASING THE FINE FOR COMMERCIAL VEHICLES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes that there has been an increasing number of parking violations at certain locations within the city occurring on a frequent basis; and

WHEREAS, the City Council recognizes that such violators pose a risk to public safety and the citizens of Belle Isle, and

WHEREAS, the City Council recognizes that the current schedule of fines no longer serves as a deterrent for such violators; and

WHEREAS, the City Council finds it necessary to amend the City of Belle Isle Code of Ordinances in order to better prevent further parking violations and provide for the safety of its citizens; and

WHEREAS, for purposes of this Ordinance, text with underlined (underlined) type shall constitute additions to the original text and text with strikethrough (~~strikethrough~~) type shall constitute deletions to the original text;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, ORANGE COUNTY, FLORIDA:

SECTION 1. The City Council of the City of Belle Isle, Florida hereby amends Sections 30-74, 30-76, 30-77, and 30-105 of the City of Belle Isle Code of Ordinances to read:

A. Sec. 30-74. - Issuance of citation; schedule of fines. (b) The amount of such civil penalty shall be as follows: (1) One Hundred fifty Dollars (\$150) ~~Thirty-five dollars~~ for each violation of any offense, except for the offense listed in subsection (b)(2) of this section;

B. Sec. 30-76. - Fines and hearings. (b) *Hearing request by person cited.* Any person summoned by a parking violation citation, upon the payment of a fee of \$150.00 ~~\$35.00~~ in cash, money order or cashier's check, may within five working days after issuance of the citation file with the city manager a written request for a hearing before the city council. Such hearing shall be set at a regular or special meeting to be held not later than 60 days after the filing of such request. The person summoned by the parking violation citation shall be given at least five working days' written notice of the time and place of such hearing. At the completion of the hearing, the city council shall decide whether or not the citation was justified and whether or not the fine should be imposed/upheld. In the event the city council overturns the parking violation, the fee of \$150.00 ~~\$35.00~~ shall be refunded to the person that paid such fee within five working days of the city council's decision.

(c) *Delinquent fee; notice of summons for failure to respond.* If any person summoned by a parking violation citation on a motor vehicle does not respond to such citation within five business days, by either paying the fine or requesting a hearing under subsection (b) of this section, the city manager shall assess a \$25.00 ~~\$10.00~~ penalty against the registered owner of the vehicle. In addition, a notice of summons shall be sent, by certified mail, to the registered owner of the motor vehicle which was cited, informing such owner of the parking violation citation and the failure to comply therewith. Such notice shall direct the recipient to respond within ten calendar days; otherwise, a summons will be issued for failure to comply. Costs in the amount of \$10.00 ~~\$5.00~~ shall be assessed incident to this notification process.

C. Sec. 30-77. - Impoundment. (b) *Impounding and storage charges.* The cost of fines, towing or removing a vehicle impounded under this article and the cost of storing same shall be chargeable against the owner and shall be a lien upon the vehicle. The owner of the vehicle shall pay these charges before the vehicle will be released. Payment for parking fines to the City will be paid first before the cost of impounding and storing. The owner will present a City receipt to the towing/storage company as proof that the vehicle can be released. The vehicle may be stored in a public or private place. If the vehicle is stored in a private place, the amount charged for storage shall be the amount provided for by contract between the private storage facility and the enforcement officer. The charges to the owner for towing shall be the amount provided for in any wrecker contract between the towing company and the city. If the owner of a vehicle impounded under this article does not claim such vehicle within 60 days, the enforcement officer is hereby authorized to declare such vehicle an abandoned vehicle and to dispose of such vehicle in accordance with article II of this chapter.

D. Sec. 30-105. - Penalties. (a)

Any person cited under this division shall pay the city a fine of ~~\$100.00~~ \$75.00 for the first violation and a fine of ~~\$250~~\$150.00 for each subsequent violation. Each day that a violation of this division continues or is permitted to exist after the issuance of a civil citation shall constitute a separate offense under this division.

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. This ordinance shall become effective immediately upon final passage by the City Council.

First Reading held this 19th day of September, 2017

Second Reading held this 3rd day of October, 2017

Advertised for Second Reading on the 23rd day of September, 2017.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Jeremy Weinsie r	_____	_____	_____
Bobby Lance	_____	_____	_____
Harvey Readey	_____	_____	_____
Lenny Mosse	_____	_____	_____
Sue Nielsen	_____	_____	_____

LYDIA PISANO, MAYOR

ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 17-11 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____, 2017, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk