

**ORDINANCE NO. 21-13**

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA AMENDING SECTION 30-77 TO ARTICLE 30 OF CHAPTER 30 OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR WITHHOLDING THE ISSUANCE OF VEHICLE LICENSE PLATES AND REVALIDATION STICKERS FOR OUTSTANDING PARKING VIOLATIONS WITHIN THE CITY; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to § 316.1967(6), Florida Statutes, the City may provide by ordinance that the clerk of the court or the traffic violations bureau provide the Florida Department of Highway Safety and Motor Vehicles (the "Department") electronic data which is machine readable by the installed computer system at the department, listing persons who have three or more outstanding parking violations, including violations of § 316.1955, Florida Statutes (pertaining to parking tickets for parking in spaces designated for persons with disabilities);

**WHEREAS**, § 316.1967(6), Florida Statutes, states that upon receipt of such list, the Department must mark the appropriate registration records of those who are so reported;

**WHEREAS**, § 320.03(8), Florida Statutes, states that persons placed on such list pursuant to § 316.1967(6), may not be issued a license plate or revalidation sticker until the person's name no longer appears on the list or until the person presents a receipt from the City showing that the outstanding parking violations have been paid;

**WHEREAS**, the City desires to use all available means to enforce the provisions of its parking regulations as set forth in Article III of Chapter 30 of the Belle Isle City Code of Ordinances; and

**WHEREAS**, the City wishes to adopt the foregoing additional enforcement methods to better ensure compliance with the City's parking regulations.

**NOW, THEREFORE**, be it ordained by the City Council of the City of Belle Isle, Florida, as follows:

**SECTION 1. Recitals.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

**SECTION 2. City Code Amendment.** Section 30-77 of the Belle Isle Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 30-77. – Impoundment / Withholding of Tags and Revalidation Stickers.**

(a) Impoundment.

- (a1) *Authority of enforcement officer.* When any vehicle is left parked, stopped or standing in violation of any statute of the state or county ordinance or ordinance of the city on any public property, the enforcement officer is authorized to take possession of such vehicle and to remove such vehicle from such property and to store and possess such vehicle in conformity with this article.
- (b2) *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.
- (e3) *Notice to owner.* Upon taking possession of any such vehicle, as provided in this article, the enforcement officer shall make a reasonable attempt to notify the owner thereof that such vehicle has been impounded and is being held for the towing and storage charges.
- (d4) *Notice to sheriff's office.* The enforcement officer shall notify the county sheriff's department that the vehicle has been impounded and is being held for the towing and storage charges.
- (e5) *Recovery.* The registered owner of such vehicle shall be entitled to recover such vehicle only after making payment for charges and expenses to the contract towing company providing the towing and/or storage services.
- (f6) *Filing complaint not precluded by impoundment.* The taking of possession of a vehicle for a violation of a statute of the state or a county ordinance or an ordinance of the city shall not prohibit the filing of a complaint for such violation in addition to the impounding of such vehicle as hereinabove provided.

(g) *Failure by enforcement officer to comply with provisions of this article.* Failure by the enforcement officer to comply with any of the provisions of this article shall not act to remove the lien from the vehicle.

(b) *Withholding of issuance of license plates and revalidation stickers.*

(1) *Definitions.* As used in this section, the following words are defined as set forth herein:

- i. *Department of motor vehicles* shall mean and refer to the Florida Department of Highway Safety and Motor Vehicles or any successor agency thereto as may be designated by general law.
- ii. *Police department* shall mean and refer to the City of Belle Isle Police Department or any other traffic enforcement agency, department, or bureau to which the city assigns the task of enforcing the city's parking regulations.

(2) The police department may prepare and supply to the county clerk's office or the department of motor vehicles, as appropriate, a list of persons who have three (3) or more outstanding parking violations, including violations of § 316.1955, Florida Statutes, issued by or within the city. Such list must be transmitted by electronic means in a format that is readable by the computer system installed at the department of motor vehicles.

(3) In accordance with §§ 315.1967 and 320.03, Florida Statutes, as may be amended or transferred, the Orange County Tax Collector will not issue a license plate or revalidation sticker to any person whose name appears on the list referenced in subsection (b) *supra* until (i) such person's name no longer appears on the list or (ii) until the person presents a receipt issued by the city or the clerk of court showing that such outstanding parking fines and all applicable late charges or other related charges have been paid. Any person appearing on such list must also pay any administrative service charges due to the tax collector and clerk of court.

(4) Pursuant to the authority granted in §§ 316.1967 and 320.03, Florida Statutes, this section is applicable throughout the city and to the enforcement of those parking tickets or citations issued by or on behalf of the city; provided, however, that the police department will be responsible for preparing and supplying the list of persons referenced in subsection (b) *supra*.

**SECTION 3. Codification.** Section 2 of this Ordinance will be incorporated into the Belle Isle City Code. Any section, paragraph number, letter, and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical,

and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or the City Code may be freely made.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase, word, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion will be deemed a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions of this Ordinance.

**SECTION 5. Conflicts.** If a conflict arises between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of such conflict, as permitted under the law.

**SECTION 6. Effective date.** This Ordinance will become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

**FIRST READING:** \_\_\_\_\_, 2021

**SECOND READING:** \_\_\_\_\_, 2021

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2021, by the City Council of the City of Belle Isle, Florida.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Karl Shuck	_____	_____	_____
Randy Holihan	_____	_____	_____
Beth Lowell	_____	_____	_____
Jim Partin	_____	_____	_____
Sue Nielsen	_____	_____	_____

CITY COUNCIL  
CITY OF BELLE ISLE

ATTEST:

\_\_\_\_\_  
Nicholas Fouraker, Mayor

\_\_\_\_\_  
Yolanda Quiceno, City Clerk

\_\_\_\_\_  
Kurt Ardaman, City Attorney

Approved as to form and legality for the use and  
reliance of the City of Belle Isle, FL, only.

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 21-13 was duly and legally passed by the Belle Isle City Council, in session assembled on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at which session a quorum of its members were present.

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Yolanda Quiceno, CMC-City Clerk