

ORDINANCE NO. 24-11

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CITY’S CODE OF ORDINANCES BY AMENDING CHAPTER 17, ENTITLED “TRAFFIC AND MOTOR VEHICLES,” BY AMENDING SECTION 17-18 ENTITLED “PROHIBITED STOPPING, STANDING OR PARKING ON CERTAIN ROADWAYS,” TO PROHIBIT VEHICLES FROM BLOCKING TRAFFIC DURING SCHOOL HOURS AND TO REQUIRE VEHICLES PARKED ALONG ROADWAYS TO FACE THE FLOW OF TRAFFIC; AMENDING SECTION 17-19 ENTITLED “PARKING PROHIBITED OVER CATCH BASINS,” TO “PROHIBITED PARKING, ADDITIONAL REGULATIONS,” TO PROHIBIT PARKING WITHIN RIGHTS OF WAYS AND SWALES, AND TO PROHIBIT TRAILERS, BOATS, COMMERCIAL VEHICLES, AND RECREATIONAL VEHICLES FROM PARKING ON ROADWAYS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Cooper City (“City”) desires to update and amend the City Code related the parking of vehicles in the City; and

WHEREAS, vehicles parking in swales and on roadways create hazards which prevent the free flow of traffic; and

WHEREAS, hazards are created when vehicles line up on the City’s roadways around schools during pick up and drop off times, which result in lanes of traffic becoming blocked; and

WHEREAS, the City code regulates the parking and storage of the parking of vehicles, including trailers, commercial vehicles, and recreational vehicles; and

WHEREAS, parking within City rights of way and swales has become pervasive where residents are unable to maintain their swales as required by the City code due to known vehicles being parking within swales and other public rights of way; and

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WHEREAS, the storage and parking of trailers, commercial vehicles, and recreational vehicles, which would otherwise be prohibited by the City code on a subject property, are now being parked or otherwise stored upon the roadways; and

WHEREAS, §316.008, Florida Statutes, provides that local authorities have reasonable police power to regulate or prohibit stopping, standing, or parking on roadways under its jurisdiction;

WHEREAS, §316.2045, Florida Statutes, provides a person may not willfully obstruct the free, convenient, and normal use of a public street, highway, or road by impeding, hindering, stifling, retarding, or restraining traffic; and,

WHEREAS, §316.195, Florida Statutes, provides vehicles stopped or parked upon roadways shall be parked in the direction of traffic; and,

WHEREAS, the City desires to exercise its discretion to improve the health, safety, and welfare of its residents by prohibiting parking in swales without the consent of the adjacent property owner, prohibiting vehicles from standing, stopping, or parking in the street, and to prohibit the on street parking of trailers, boats, commercial vehicles, and recreational vehicles; and

WHEREAS, the City Commission finds that regulations and prohibitions herein will benefit the health, safety, and welfare of its residents by preserving the integrity of the residential areas and the unique aesthetic qualities of the City; and

WHEREAS, the City Commission has held a public hearing in accordance with Florida law; and

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WHEREAS, following proper notice to the public and after having received input and participation by interested members of the public and staff, the City Commission finds that this Ordinance is in the best interest of the citizens, residents, and business establishments in the City.

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

Section 1. **RECITALS ADOPTED.** That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. **CHAPTER 17 OF CITY CODE AMENDED.** The City Commission of the City of Cooper City hereby amends Chapter 17, entitled “TRAFFIC AND MOTOR VEHICLES,” by amending Article II Entitled, “PARKING, STOPPING AND STANDING,” by amending Section 17-18 entitled “Prohibited stopping, standing or parking on certain roadways,” of the City code as follows:

Sec. 17-18. Prohibited stopping, standing or parking on certain roadways.

(a) *Definitions.* The following words and phrases, when used in this section shall have the meanings respectively ascribed to them in this subsection, except where the context otherwise requires:

Roadway shall mean that portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the swale or shoulder.

Swale area shall mean that area of the publicly-owned land lying on either side, of a public roadway, between the edge of such roadway and at the edge of a public sidewalk.

Vehicle shall mean any motor vehicle, automobile, commercial vehicle, recreational vehicle, motorcycle, moped, boat or boat trailer.

(b) It shall be unlawful for any person to stop, stand, or park a vehicle in violation of any posted "No Parking" sign.

(1) "No Parking" signs may designate a time period when standing, stopping, or parking a vehicle is prohibited in any parking lot, field, swale, park, or other parking areas provided by the City.

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(2) Standing, stopping, or parking a vehicle shall be prohibited in any parking lot, field, swale, park, or other parking areas provided by the City when the adjoining building or park is closed.

(3) "No Parking" signs may designate an area where standing, stopping, or parking a vehicle is prohibited.

(c) "No Parking" signs may be placed on any municipal property which includes, but is not limited to any parking lot, field, swale, park, or other parking areas provided by the City, at the discretion of the City Manager.

(d) All "No Parking" signs:

(1) Shall comply with the Manual on Uniform Traffic Control Devices, as amended.

(2) Must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within five feet from the public right-of-way line.

(e) Law enforcement officers, police service aides, ~~and~~ code compliance officers, parking enforcement officers, and any authorized employee or agent are hereby authorized to issue parking citations to any vehicle illegally parked in violation of the section.

(1) Whenever any vehicle is found parked, stopped or standing in violation of any of the restrictions imposed by this section, an authorized City representative shall issue a parking citation on a form approved by the chief law enforcement officer for the City.

(2) All parking citations shall be conspicuously affixed to the vehicle in violation.

(3) The citation shall notify the owner of the vehicle to pay the fine indicated on the citation within ten business days from the date of issuance at the place specified on the citation, and of the violator's right to appeal.

(4) The owner of a vehicle shall be responsible for payment of any citations issued under this chapter and other parking violations to the extent imposed by F.S. § 316.1967, as amended.

(5) Unless otherwise provided, citations issued for traffic or parking related offenses under this section shall be in the amount of \$25.00 for each offence, plus all applicable fees assessed by the Broward County Clerk of Courts.

(f) *Stopping, standing or parking on roadways ~~within 1,000 feet of school to discharge or pick-up school passenger(s)~~*. No person shall stop, stand, or park a vehicle on any roadway within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school within one hour before the scheduled starting time for the regular school day or school special event or within one hour after the scheduled school dismissal time for the regular school day or school special event ~~, for the purpose of actively discharging from said vehicle or picking-~~

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~~up into said vehicle a passenger(s) of the age of 19 or younger who is going to or leaving the school property., except momentarily to actively pick up or discharge passengers. Obstructing the flow of traffic, including the full or partial blocking of any lane by standing, stopping, or parking in the roadway, shall constitute a violation of this section.~~

(g) Every vehicle stopped or parked upon a roadway shall face the same direction as the traffic flow, subject to the provisions of § 316.195, Fla. Stat., as amended.

(h) This section shall not apply to public or private emergency, construction, or other vehicles actively performing services pursuant to a governmental agreement.

(i) A violation of this section shall result in a parking violation in the amount of one hundred (\$100.00) dollars, not including any other applicable fees as set forth in this chapter of the City code.

Section 3. CHAPTER 17 OF CITY CODE AMENDED. The City Commission of the City of Cooper City hereby amends Chapter 17, entitled “TRAFFIC AND MOTOR VEHICLES,” by amending Article II Entitled, “PARKING, STOPPING AND STANDING,” by amending Section 17-19 entitled “Parking prohibited over catch basins,” of the City code as follows:

Sec. 17-19. – Prohibited Parking, Additional Regulations ~~Parking prohibited over catch basins.~~

(a) *Definitions.* The following words and phrases, when used in this section, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

Catch basin shall mean a receptacle used for the collection and transmission of storm water runoff from roadways.

Right-of-way shall include, but not be limited to, all proposed dedications of public rights-of-way set forth on official grading and drainage plans required to accompany approved and valid tentative plats, as well as all existing or dedicated public rights-of-way, roadways, swales, and publicly owned land.

Swale shall mean the area of land located in the public right-of-way between the edge of the street pavement and the front property line of the adjacent property.

Vehicle shall mean any motor vehicle, commercial vehicle, automobile, recreational vehicle, motorcycle, moped, boat or boat trailer.

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(b) *Parking over catch basins, public rights-of-way, or swales.* Except in an emergency situation, or when a catch basin is located within a driveway of a residence, no person shall park, stop, stand or leave unattended any vehicle;

(1) Over any catch basin located within the City;

(2) Upon any swale area or upon any unpaved right-of-way adjacent to a paved street, avenue, or roadway, whether public or private, within the City which swale area or unpaved right-of-way abuts the property of another, without the consent of the owner, lessee or other person entitled to the possession and use of the property abutting the swale area or unpaved right of way, including homeowners associations, condominium associations, and commercial properties, unless such use does not exceed thirty-six (36) hours from the initial violation.

(c) All trailers, boats, commercial vehicles, and recreational vehicles prohibited by the City code, as amended, from being parking or stored on residential property, shall not be parked on any street, swale, or right-of-way, subject to the exceptions set forth within Sec 25-10 of the City code as applicable..

(d) *Penalties.* A violation of this section shall result in a parking violation in the amount of one hundred (\$100.00) dollars, not including any other applicable fees as set forth in this chapter of the City code. If a citation issued for a violation of this section shall be paid prior to the issuance of a notice to appear or municipal information, the fine shall be \$100.00. After the issuance of a notice to appear or municipal information, the penalties provided in section 1-8 of this Code shall be applicable.100

Section 4. It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

Section 5. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional

or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 7. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2024.

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2024.

ATTEST:

GREG ROSS
Mayor

Tedra Allen
City Clerk

Approved As To Form:

JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross _____
Commissioner Green _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____