
Sec. 40-37. Parking violations and notices; penalties.

- (a) In order to regulate stopping, standing, or parking, in ways that do not offend the public convenience, safety and welfare, civil fines shall be levied in the amounts shown for the parking violations listed in the schedule of fines and costs in section 26-30.
- (b) Violations of such provisions may be cited on a Florida Uniform Traffic Citation or on a city uniform code and parking citation notice ("citation"). Each citation shall clearly describe and identify the location of violation, vehicle make, date and time of violation, vehicle license number, licensing state, and officer's or parking enforcement specialist's name or identification number. Instructions for payment of the fine and for the right to contest parking violation notice shall be clearly set forth on the notice.
- (c) In the event that a fine required in this article is not paid to the city within 30 days of its issuance to the violator, the amount of the fine shall automatically double in amount. This provision shall not apply to parking in a disabled (handicapped) parking space.
- (d) The city citation shall also include the instructions below, in substantially the same form:

You are required to pay a fine on or before 30 days from the issuance of this citation. Payment must be made by cash, money order, valid check payable to the "City of Stuart" or any other means authorized by the city manager. DO NOT MAIL CASH. Payment shall be received by mail or in person at either: the city police department or city hall, as provided on the uniform citation.

Fines not paid or contested within 30 days of issuance shall automatically double in amount. In lieu of paying the fine you may contest the citation and request to appear before the magistrate. If you wish to contest the citation, you must do so by contacting the code clerk (as provided in the notice) within 30 days of the issuance of this citation. If you fail to contest the citation within 30 days, or fail to appear at the hearing when contesting the citation, or if you fail to pay the fine, you shall be deemed to have waived your right to contest the citation, and a magistrate's order may be entered against you for an amount up to the maximum civil penalty established by ordinance, plus all reasonable costs.

IMPORTANT NOTICES

- A. Failure to pay three or more parking citations subjects the violator to the inability to renew a state vehicle registration or renew a state driver's license, without clearing the parking violations.
- B. Failure to pay parking citations, when due, subjects the violator to having the vehicle "booted" or disabled, as provided by law., which subjects the violator to additional fees and costs, as provided by resolution of the city commission.

(Code 1981, § 16-3; Code 1995, § 78-26; Ord. No. 1634, § 1, 3-30-1998; Ord. No. 1695-99, § 1, 12-6-1999; Ord. No. 1696-99, § 1, 12-6-1999; Ord. No. 1768-01, § 1, 3-26-2001; Ord. No. 1845-02, § 1, 4-8-2002; Ord. No. 2032, § 1, 5-16-2005; Ord. No. 2181-09, § 1(78-26), 5-11-2009; Ord. No. 2250-2012, § 5, 11-5-2012)

Sec. 40-38. Enforcement by parking enforcement specialist.

The city shall employ as a parking enforcement specialist an individual who successfully completes a training program for parking enforcement specialists established and approved by the state department of law enforcement, division of criminal justice standards and training commission. A parking enforcement specialist so employed is hereby authorized to enforce the parking ordinances of the city as set forth in this article.

(Code 1981, § 16-7; Code 1995, § 78-27)

Sec. 40-39. Liability for payment of parking violation notices and disabled violation notices; rebuttable presumption created.

- (a) The owner of a vehicle is liable for payment of any parking violation notice unless the owner can furnish evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the city an affidavit setting forth the name, address, and driver's license number of the person who leased, rented, or otherwise had the care, custody, or control of the vehicle. The affidavit submitted pursuant to this subsection shall be admissible in a proceeding charging a parking violation and shall raise the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking violation notice. The owner of a vehicle is not responsible for a parking notice violation if the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.
- (b) Any person issued a parking violation notice by a parking enforcement specialist shall be deemed to be charged with a noncriminal violation and shall comply with the directions on the notice. If payment is not received or a response to the notice is not made within the time period specified thereon, the city shall notify the registered owner of the vehicle which was cited, by mail to the address given on the motor vehicle registration, of the parking violation notice. Mailing of the notice to this address shall constitute notification. Upon notification, the registered owner shall comply with the city's directive.
- (c) Any person who fails to satisfy the city's directive shall be deemed to waive the right to pay the applicable civil penalty.
- (d) Any person who elects to appear before the city magistrate to present evidence shall be deemed to have waived his right to pay the civil penalty provisions of the ticket. The magistrate, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$100.00, or not to exceed \$250.00 for illegal parking in a handicapped (disabled) parking space, plus administrative costs. Any person who fails to pay the civil penalty within the time allowed by the magistrate shall be deemed to have been convicted of a parking ticket violation, and the city may take appropriate measures to enforce collection of the fine.

(Code 1981, § 16-8; Code 1995, § 78-28; Ord. No. 2181-09, § 2(78-28), 5-11-2009)

Sec. 40-40. Designation of on-street parking spaces and loading zones authorized.

The city manager shall designate and post all on-street parking spaces and loading zones in accordance with applicable law. The designation of any on-street parking space or loading zone by any persons other than authorized personnel of the city is hereby prohibited.

(Code 1981, § 16-9; Code 1995, § 78-29)

Sec. 40-41. Unpaid parking citations reported to department.

- (a) The police department, as the traffic violations bureau of the city, shall supply the state department of highway safety and motor vehicles with a magnetically encoded computer tape reel or cartridge which is machine readable by the installed computer system at the department listing the names of those persons who are the registered owners of motor vehicles to whom three or more parking violation citations or one or more handicapped parking space violation citations have been issued by the city. As used herein, the term "parking violation citation" means a parking violation of this article or of F.S. ch. 316.

- (b) No agency of the department shall issue a license plate or revalidation sticker to any person whose name appears on the list supplied to the department unless and until such person presents a receipt showing that such citations have been satisfied including all applicable late charges and the 15 percent additional charge described in subsection (c) of this section.
- (c) The total civil penalty for unpaid parking citations and for unpaid handicapped parking space violation citations shall increase by 15 percent when the name of a person is placed on the list supplied to the department as provided in subsection (a) of this section.

(Code 1981, § 16-11; Code 1995, § 78-30)

Sec. 40-42. Enforcement of three-hour parking, temporary suspension by city manager.

The city manager is authorized to temporarily suspend the enforcement of the three-hour parking regulation set forth in section 40-43 in any portion of the three-hour parking district in or near which exist exigent conditions which warrant temporary suspension. Exigent conditions include, but are not limited to, building repairs, building demolition, street or alley closings, changes in vehicular or pedestrian traffic, changes in building occupancy or use, and other circumstances which are not permanent in nature.

(Code 1981, § 16-10; Code 1995, § 78-31; Ord. No. 1696-99, § 2, 12-6-1999)

Sec. 40-43. Three-hour parking district—Created; prohibition; penalty.

- (a) There is hereby created the three-hour parking district in the downtown district of the city which shall consist of the following streets and segments of streets, and of all on-street and off-street parking spaces which are or may be hereafter designated thereon by the city:

Street	From	To
SW St Lucie Av.	SW Flagler Av.	St. Lucie River
SE Seminole St.	SW St Lucie Av.	SE Detroit Av.
SE Osceola St.	SW St Lucie Av.	SE Detroit Av.
SW Flagler Av.	SW St Lucie Av.	S. Colorado Av.
SW Flagler Av.	Parking lot circle at north end of Flagler Park (all marked spots)	
SE Ocean Bv.	S Colorado Av.	SE Detroit Av.
S Colorado Av.	SW Flagler Av.	St. Lucie River
SE Denver Av.	SE Ocean Bv.	SE Seminole St.
SE Detroit Av.	SE Ocean Bv.	St. Lucie River

- (b) Excluding Sundays but including Saturdays and legal holidays, it shall be unlawful to park a vehicle in any parking space in the three-hour parking district for longer than three continuous hours between the hours of 8:00 a.m. and 8:00 p.m. without completely removing the vehicle from all public parking spaces within the three-hour parking district for a period of not less than one hour. Upon the written recommendation of the police chief, and upon erection of proper signage, the city manager may extend or contract the three-hour parking hours earlier than 8:00 a.m. and later than 8:00 p.m. A violation of this section shall be deemed a violation of "three-hour parking only."
- (c) The three-hour parking district shall include the seven parking spaces located at the northern portion of Captain Adams Park.

(Code 1981, § 16-6; Code 1995, § 78-32; Ord. No. 1535, § 1, 9-8-1997; Ord. No. 1675, § 1, 5-24-1999; Ord. No. 1696-99, § 3, 12-6-1999; Ord. No. 1697-99, § 1, 12-6-1999; Ord. No. 1768-01, § 1, 3-26-2001; Ord. No. 1834-02, §

1, 2-25-2002; Ord. No. 1887-02, § 1, 9-23-2002; Ord. No. 2001, § 1, 8-23-2004; Ord. No. 2211-10, § 1, 10-25-2010; Ord. No. 2256-2013, § 1, 3-11-2013; Ord. No. 2393-2018, § 1, 11-13-2018; Ord. No. 2477-2021, § 1, 12-13-2021)

Sec. 40-44. Same—Exception for residents and hotel guests with permits.

- (a) A bona fide resident or overnight hotel guest within the three-hour parking district described in section 40-43 shall be permitted to park a vehicle owned by such resident or hotel guest for longer than three hours in the three-hour parking district, provided the vehicle so parked properly displays a revocable parking permit as provided in this section.
- (b) Upon proper application and payment of a fee, the city shall issue a revocable parking permit card or decal to an individual resident upon proper proof of residency, and display of a card or decal issued by the City shall be conspicuously displayed on the inside front window or dashboard of a vehicle owned by and registered to the resident so as to be easily legible from outside the vehicle, and as directed by order of the police chief. Permit cards shall be issued to hotel guests and permit decals shall be issued to residents, both as provided herein.
- (c) A vehicle properly displaying a revocable parking permit shall be considered exempt from the three-hour parking restrictions set forth in section 40-43, except that no person using such parking permit shall exceed the three-hour parking restrictions on SW Osceola Street or SW Flagler Avenue from SW Colorado Avenue to SW St. Lucie Avenue.
- (d) A revocable parking permit issued hereunder shall commence when issued, and shall expire upon the earlier of the expiration of the vehicle registration form or lease provided to the city as a proof of residency, or upon the actual termination of residency, or upon the termination of the hotel stay, and said permits shall be renewable upon proof of residency as provided in subsection (e) below, and payment of the required fee.
- (e) **Permanent Residents.** A residential applicant shall prove permanent residency by presenting to the city police department a valid Florida vehicle registration form for a vehicle personally owned by the applicant, or for an entity in which the applicant has a controlling interest (as demonstrated by appropriate verified documents), showing the address of residency within the three-hour parking district, and any one (1) of the following current and valid forms, verifying the same address:
 - (1) A voter registration card;
 - (2) A Florida driver's license;
 - (3) A utility bill;
 - (4) A deed to the property; or
 - (5) Any other indicia of residency deemed reliable by the police chief.
- (f) **Seasonal or temporary residents.** An applicant with a seasonal or temporary residence of six months or less within the three-hour parking district shall provide a current, valid state vehicle registration card, state driver's license, and a copy of their lease or deed.
- (g) **Transient guest facilities.** Upon payment of the established fee, hotel and other transient guest facility owners or managers ("hoteliers") located within the three-hour parking district shall be issued revocable parking permit cards in a number sufficient to provide a revocable parking permit to each overnight guest with a vehicle who is staying at the hotel, for which there exists no off-street parking space. The hotelier shall be responsible for providing overnight guests with needed revocable parking permits. Said revocable parking permit shall expire on the last day of the guest's stay, and each permit issued shall clearly be marked by the hotelier with the expiration date. Hoteliers shall be responsible for the security and safekeeping of revocable parking permits and they shall have an affirmative duty to report the theft or loss of any unused parking

permit forms to the city. In addition, and upon reasonable notice, the police chief or designee may audit the number of permits issued and the number of hotel guests.

- (h) Prior to issuing a revocable parking permit, the city may require proof that a resident does not have an off-street parking space for the vehicle for which the permit is being issued. This determination may require an inspection by the city of the resident's property.
- (i) Permits issued hereunder are a privilege not a right, and shall be revocable by the City Manager for any use which is not consistent with its issuance, or multiple violations of sections 40-43 and 40-44 of this Code.
- (j) A fee for parking permits in the three-hour parking district shall be established by resolution of the city commission from time to time.
- (k) Violation of subsection (c) of this section shall subject the violator to a fine of \$50.00 for each violation.

(Code 1981, § 16-6.1; Code 1995, § 78-33; Ord. No. 1696-99, § 4, 12-6-1999; Ord. No. 2328-2016, § 1, 8-22-2016)