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COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, April 25, 2017
6:00 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

REGULAR MEETING

1. **Presentations** - Presentations shall be limited to 5 minutes for non-city government related items.
 - a. **ICMA Recognition for 60 Years with Council/Manager Form of Government**
 - b. **Presentation on St Pete Beach Classic**
2. **Changes to the Agenda** - Any agenda items to be added, moved, or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order. Consent items may be removed for discussion, changes, and/or anticipation of a non-unanimous vote and considered separately on the request of anyone on the Commission or by a majority vote of the City Commission upon request of an audience member.
3. **Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda, 21 minutes in total.
4. **Consent**
 - a. **Approval of minutes from the March 13, 2017 regular City Commission meeting.**
 - b. **Authorize the City Manager to sign a time extension to the Cooperative Funding Agreement between the**

**Southwest Florida Water Management District
(SWFWMD) and the City for Pass-A-Grille Way
Stormwater Improvements.**

5. Action Items

- a. Authorization for the City Manager to sign the
Fireworks Display Agreement with Pyrotechnico for
the 4th of July fireworks in the amount of \$25,000.00.**
- b. Authorize the City Manager to enter into a purchase
agreement with Luke Brothers, Inc. for tree trimming
services in the amount of \$52,973.75 for FY17.**
- c. Appointment to the General Employees' Pension
Board of Trustees**

6. Ordinances

- a. Ordinance 2017-04, Final Reading and Public Hearing
amending Chapter 82- Traffic and Vehicles of the city
of St. Pete Beach code of Ordinances, Section 82-137,
82-244 and 82-245 of Division 4 pertaining to "C" and
"D" parking decals.**

7. Resolutions- No items submitted at this time.

8. Items for Discussion- No items submitted at this time.

9. Audience Comments 2 - Comments shall be limited to 3 minutes per person to
issues not on the agenda, 21 minutes in total.

**10. City Clerk, City Manager, City Attorney and City
Commission Reports**

11. Adjournment

APPEAL: In accordance with Florida Statute 286.0105, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not furnish verbatim transcripts. Interested parties should make the necessary arrangements for verbatim transcripts.

AMERICANS WITH DISABILITIES ACT: In accordance with the Americans with Disabilities Act and Florida Statutes, Chapter 286.26, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than four (4) days prior to the meeting for assistance.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall.**



Certificate of Recognition



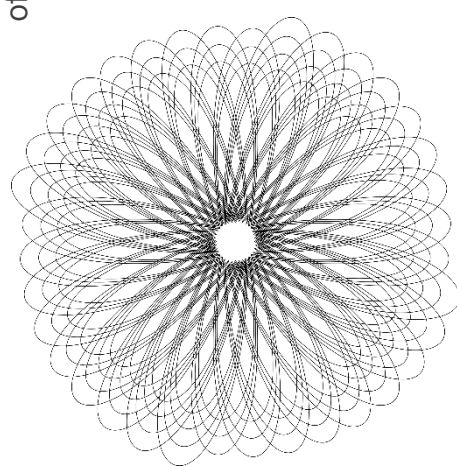
The Florida City & County Management Association

Celebrates With

The City of St. Pete Beach

on the 60th anniversary of your city's recognition by the
International City/County Management Association (ICMA)
of its operation under the council-manager form of government.

Awarded April 25, 2017



Robert R. Green

Robert R. Green, President, FCCMA
City Manager, City of Auburndale



**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Presentation on St Pete Beach Classic

Date: April 25, 2017

Prepared By: Jennifer McMahon, Recreation Director

Summary of Issue: A representative of of the St Pete Beach Classic will present short overview of the history, community involvement and economic impact the race has created over 13 years.

Funding: N/A

Requested Motion: N/A

Attachments: **Powerpoint**

**Reviewed by
City Manager** WS

THE 13TH RUNNING OF THE



St. Pete Beach CLASSIC



HISTORY

Started as a one-day
running event 2004

Added half and combined
events in 2012

Beach run and
Challenge in 2013



THE NUMBERS

~2200 Runners

33% out of state

50% out of county

6 foreign countries



ECONOMIC IMPACT

380+ room nights @ host hotel

2016 study: \$840K+
economic impact

76% to beach

61% Pass a Grille

33% Corey Avenue

30% Dolphin Village



AMBASSADORS

300+ volunteers

Runners raved about...
warmth
enthusiasm

True Ambassadors for
SPB!i



OUR VENUE

World class destination

World class event
weekend

World class venue



JANUARY 12, 13, 14, 2018!



St. Pete Beach CLASSIC



CITY COMMISSION MEETING

MINUTES

MARCH 13, 2017

6:00 P.M.

CALL TO ORDER

Mayor Schechner called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Deborah Schechner, Mayor
Rick Falkenstein, Vice Mayor
Terri Finnerty, Commissioner
Ward Friszolowski, Commissioner
Melinda Pletcher, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Mike Clarke, Public Works Director
Jennifer McMahon, Recreation Director

1. Presentations

There were no presentations.

2. Changes to the Agenda

There were no changes to the agenda.

3. Audience Comments

Sandie Lyman, 59th Avenue, commented on the numerous community events held by volunteers and the financial support received from the City.

4. Consent

- a. Approval of minutes from the February 14, 2017 Commission meeting.
- b. Authorization to install a banner over 75th Avenue for CABA's Sidewalk Sale on April 6-8, 2017
- c. Authorization to install a banner over 75th Avenue for Beach Goes Pop held on April 28 and 29, 2017
- d. Authorize the City Manager to enter into a Cooperative Funding Agreement with the Southwest Florida Water Management District (SWFWMD) for the final 70% of two designs, as well as the construction of Phase II of the Pass-A-Grille Way Reconstruction project (from 19th Avenue to 1st Avenue).
- e. Authorize the City Manager to enter into a purchase agreement with Insituform Technologies, LLC for \$16,095.90 for Stormwater System Damage Assessment.
- f. Authorize the City Manager to enter into an Interlocal Agreement between Pinellas County and the City of St. Pete Beach to provide \$120,000.00 for construction of two replacement dune walkovers at public beach access sites located at the west ends of 12th Avenue and 16th Avenue.

City Manager Wayne Saunders reviewed the items and recommended approval as presented.

Commissioner Friszolowski requested clarification on Item 4(d) in regard to the project expiration date and project schedule date. Mr. Saunders responded that the item was an addendum to the original contract.

Commissioner Pletcher moved to approve Consent Items 4(a), (b), (c), (d), (e) and (f) as presented. The motion was seconded by Commissioner Friszolowski.

Hearing no audience comments, Mayor Schechner called for the vote.

The motion was unanimously approved by an individual roll call vote.

5. Action Items

- a. Authorize the City Manager to approve two change orders to the purchase agreement with Nelson Construction for the Pass-A-Grille Way Reconstruction Project totaling \$31,007.18 for Changes Order Nos. 13 and 14.

Mr. Saunders reported that the cost will be borne by Duke Energy and Pinellas County.

Vice Mayor Falkenstein moved to approve Item 5(a), to authorize the City Manager to approve two change orders to the purchase agreement with Nelson Construction for the Pass-A-Grille Way Reconstruction Project, totaling \$31,007.18 for Change Order Nos. 13 and 14. The motion was seconded by Commissioner Finnerty.

Commissioner Friszolowski requested an anticipated completion date be added to the website for community information.

Hearing no audience comments, Mayor Schechner called for the vote.

The motion was unanimously approved by an individual roll call vote.

- b. Authorize the City Manager to enter into a purchase agreement with Duval Ford Fleet Sales in the amount of \$47,435.00 for the purchase of a 2017 Ford Transit Utility Cargo Van.

The vehicle will be utilized in the Public Works Department to house and transport sanitary sewer inspection equipment.

Commissioner Friszolowski moved to approve Item 5(b), to authorize the City Manager to enter into a purchase agreement with Duval Ford Fleet Sales for \$47,434.00 for the purchase of a 2017 Ford Transit Utility Cargo Van. The motion was seconded by Vice Mayor Falkenstein.

Hearing no audience comments, Mayor Schechner called for the vote.

The motion was unanimously approved by an individual roll call vote.

6. Ordinances

There were no ordinances submitted.

7. Resolutions

There were no resolutions submitted.

8. Items for Discussion

Commissioner Friszolowski requested to add for discussion the Charter role, responsibilities, and consideration of salary of the City Clerk as an action item, and to add correspondence he received in regard to the Comprehensive Plan.

Commissioner Pletcher requested to discuss legislative priorities.

Vice Mayor Falkenstein requested to discuss planting, trimming and removal of trees throughout the City.

9. Audience Comments 2

There were no additional audience comments.

10. City Clerk, City Manager, City Attorney and City Commission Reports

City Clerk Haynes reported on the following items:

- Reminder: Election Day is Tuesday, March 14, 2017.
- Pinellas County Supervisor of Elections Office sent out a total of 3,641 mail ballots with a return of 2,188.
- Appointments and/re-appointments of the advisory board and committee members is scheduled for the March 28, 2017 Commission meeting.

City Manager Saunders reported on the following items:

- Legislative updates are available on the Florida League of Cities website.
- Lego Tech Team took first place in all three categories at the Regional Robotics Festival, which automatically provides the team a spot in the World Robo Fest competition.

City Attorney Dickman reported on the following items:

- Flag etiquette and display regulations

Commissioner Pletcher reported on the following items:

- Vina del Mar St. Patrick's Day dinner deadline is March 17, 2017
- Pass-a-Grille Community Association monthly dinner is Wednesday, March 22, 2017 at the Warren Webster Community Center
- Pass-A-Grille Way Reconstruction Project

Commissioner Friszolowski reported on the following items:

- District 3 will vote at the Warren Webster Community Center on Tuesday
- Lido Beach Civic Association meeting is Thursday, March 23, 2017 at 6:00 p.m.
- Lido Beach Annual Picnic is April 8, 2017 from 11:00 a.m. to 2:00 p.m.; Commissioners are invited

Commissioner Finnerty reported on the following items:

- Road closure on Blind Pass Road at 75th Avenue due to replacement of water pipes by Pinellas County work crews
- Crosswalks in front of Shells Restaurant, Zamora Hotel and Skidders Restaurant

Vice Mayor Falkenstein reported on the following items:

- Upham Beach clean-up project is scheduled for March 18, 2017 from 9:00 a.m. to 11:00 a.m.

- Beach Goes Pops is scheduled for April 28 and 29, 2017
- Spring Break is this week
- Pinellas County Sheriff's Office enforcement
- Swim lessons are available at the Recreation Department
- Visibility of traffic near parked vehicles

Mayor Schechner reported on the following items:

- Pass-a-Grille reconstruction project
- Pinellas County Sheriff's Office enforcement

11. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:50 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Al Johnson, Mayor

Minutes approved on: _____

**St. Pete Beach City Commission
Agenda Report**

Issue

Considered: Authorize the City Manager to sign a time extension to the Cooperative Funding Agreement between the Southwest Florida Water Management District (SWFWMD) and the City for Pass-A-Grille Way Stormwater Improvements.

Date: April 25, 2017

Prepared By: Mike Clarke, Public Services Director

**Summary
of Issue:**

The City applied to the Southwest Florida Water Management District (SWFWMD) for matching grant monies to assist in the significant stormwater improvements associated with the upcoming Pass-A-Grille Way Reconstruction Project.

Based on the information provided to SWFWMD by City staff and consultants, the district has earmarked up to \$1,881,900 in matching reimbursement funds for construction and construction engineering inspection (CEI). The final amount to be reimbursed will be based on the actual final costs of the stormwater components of the project.

Based on the anticipated schedule at the time of application, the original Cooperative Funding Agreement was set to expire on May 31, 2017. In light of the delays experienced throughout this project, the City has requested the execution of a 10 month extension to this agreement.

Funding: CIP – Pass-A-Grille Way Reconstruction Project
SWFWMD Cooperative Funding Agreement

**Requested
Motion:**

“I move to authorize the City Manager to sign a time extension to the Cooperative Funding Agreement between the Southwest Florida Water Management District (SWFWMD) and the City for Pass-A-Grille Way Stormwater Improvements.”

Attachments: Time Extension to SWFWMD Cooperative Funding Agreement

**Reviewed by
City Manager:** _____ WS

COOPERATIVE FUNDING AGREEMENT (3)
BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
CITY OF ST. PETE BEACH
FOR
PASS-A-GRILLE WAY STORMWATER IMPROVEMENT AREA (N650)

This AGREEMENT, effective as of the 31st day of May 2017, by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "DISTRICT," and the CITY OF ST. PETE BEACH, a municipal corporation of the State of Florida, whose address is 155 Corey Avenue, St. Pete Beach, FL 33706, hereinafter referred to as the "CITY."

WITNESSETH:

WHEREAS, the DISTRICT and the CITY entered into an agreement effective October 1, 2014 for "construction of Low Impact Development (LID) Best Management Practices (BMPs) such as nutrient separating baffle boxes to provide stormwater treatment for an area that currently has no water quality infrastructure and replacement of stormwater inlets and undersized stormwater pipes to alleviate localized street flooding", which expired on May 31, 2017, hereinafter referred to as the "Expired Agreement"; and

WHEREAS, the parties hereto wish to enter into a new agreement, incorporating the terms and conditions of the Expired Agreement, and replacing certain terms and conditions with new terms and conditions to extend the contract period and modify the Project Schedule.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties hereby mutually agree as follows:

1. Except as otherwise provided herein, the terms, covenants and conditions of the Expired Agreement incorporated herein by reference, are hereby ratified, approved and confirmed, and are binding upon the parties.
2. The Contract Period Paragraph is hereby amended to extend the expiration date of May 31, 2017 to March 31, 2018.
3. The Project Schedule set forth in Exhibit "A" is hereby replaced in its entirety with the following:

DESCRIPTION	DATE
Complete Design and Permitting	April 30, 2015
Solicit Bids for Construction	June 2, 2015
Bidding and Contractor Selection	June 9, 2015
Commence Construction and CEI	July 24, 2015
Complete Construction and CEI	October 31, 2017
Record Drawings Complete	November 30, 2017

The remainder of this page intentionally left blank.

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Authorization for the City Manager to sign the Fireworks Display Agreement with Pyrotechnico for the 4th of July fireworks in the amount of \$25,000.00.

Date: April 25, 2017

Prepared By: Jennifer McMahan, Recreation Director

Summary of Issue: The city received (2) fireworks proposals for this year's 4th of July fireworks display. A total of 6 display companies were contacted to submit a proposal but only 2 were submitted. Both bids were for the budgeted amount of \$25,000 from Pyrotechnico and Creative Pyrotechnics. It is recommended to select Pyrotechnico, who has been the company that we have contracted the past few years with high satisfaction with the display show they have put on.

Funding: This item is budgeted in account #001-6106-572-5490

Requested Motion: "I move to authorize the City Manager to sign the Fireworks Display Agreement with Pyrotechnico for the 4th of July fireworks in the amount of \$25,000"

Attachments: **Agenda Report, (2) proposals**

**Reviewed by
City Manager** WS



FIREWORKS DISPLAY AGREEMENT

THIS FIREWORKS DISPLAY AGREEMENT ("Agreement") is made effective as of the later of the dates set forth below the signatures below ("Effective Date") by and between Pyrotecnico Fireworks Inc. ("Pyrotecnico") and City of St. Pete Beach ("Sponsor"), sometimes referred to individually as "Party" or collectively as "Parties." In consideration of the mutual promises and covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

GENERAL TERMS:

Scope of services to be provided by Pyrotecnico ("Services"):	Aerial Fireworks Display
Date(s) of Show:	July 4, 2017
Rain Date(s) of Show (if negotiated):	
Compensation to be paid to Pyrotecnico for providing the Services ("Compensation"):	\$25,000.00
Pre-Show Advance:	\$12,500.00
Pre-Show Advance Due Date:	immediately
Payment Terms:	Net 10
The term of this Agreement ("Term") shall begin on the Effective Date and end on:	July 5, 2017
Postponement Fee:	\$6,250.00
Cancellation Fee:	\$18,750.00

SERVICE TERMS:

Pyrotecnico will provide Sponsor with a fireworks display subject to the terms and conditions of this Agreement. The pricing provided in this Agreement is valid only for 60 days from the date this Agreement is sent to the Sponsor via any means. Pyrotecnico may, but is not required to, accept this Agreement if the Sponsor does not return the signed Agreement within this time.

PRE-SHOW ADVANCE, COMPENSATION AND PAYMENT TERMS

Sponsor shall pay Pyrotecnico the Compensation and the Pre-Show Advance on or before the dates set forth above. The Pre-Show Advance includes, among other things, the purchase of products necessary for the show, permit costs, the hiring of any necessary equipment, show programming, the assembly and packing of the show, and is necessary in order for Pyrotecnico to finally confirm availability for your event.

Sponsor must pay interest at the rate of 1.5% per month on any unpaid balance until paid in full. Payment must be made by check or otherwise as agreed by the Parties to Pyrotecnico at PO Box 149, New Castle, PA 16103. If Sponsor fails to perform its obligations and responsibilities under this Agreement, and Pyrotecnico must enforce its rights by hiring an attorney or other third party, Sponsor must pay all fees and costs incurred by Pyrotecnico to collect the full amount owed under this Agreement.

RAIN DATES

Rain Dates must be negotiated by the Parties and are NOT available July 1st through July 7th unless specifically negotiated.

DISPLAY RESPONSIBILITIES

Pyrotecnico and Sponsor shall collaborate in the performance of all tasks relating to the fireworks display. These tasks include, but are not limited to:

- A. procuring and furnishing a place suitable for the fireworks display (the "Display Site"),
- B. applying for, obtaining and securing all permits, licenses and approvals required by all applicable local, state and federal laws and regulations as well as those required by any local police and fire departments for the Fireworks Display (collectively, the "Required Approvals"). Unless otherwise stated in this Agreement, Sponsor is responsible for the payment of all governmental fees and expenses imposed or applied to this show including any fees or expenses incurred after the signing and execution of contract for the show.
- C. providing adequate private or public security, police and fire protection,
- D. securing an acceptable location with private or public security personnel to park the Pyrotecnico fireworks truck(s) overnight (or for such longer or shorter period as Pyrotecnico may reasonably require in order to effectively provide the fireworks display),
- E. securing adequate protection to prevent all individuals, other than those authorized by Pyrotecnico, from entering the security area designated by Pyrotecnico,
- F. removing and keeping unauthorized persons and personal property, including motor vehicles, outside of the area designated by Pyrotecnico as the display site, fallout area or safe zone.

The Parties shall fulfill their responsibilities in accordance with all local, state and federal rules, laws, orders and regulations, including those of the National Fire Protection Association (NFPA).





SCRIPTED SHOW AND MUSIC SOUNDTRACKS

For displays designated as "scripted" exhibitions:

- A. Sponsor must complete, sign and return this Agreement, at least 40 days prior to the show date.
- B. Sponsor must either provide a pre-approved music soundtrack for the display OR to give final approval to a soundtrack created by Pyrotecnico, at least 30 days before the show date (at least 45 days prior for 4th of July shows). If Sponsor fails to do either, then Pyrotecnico will complete the soundtrack without Sponsor's prior approval and the scripting process will be completed based on the soundtrack created by Pyrotecnico.
- C. Proposal pricing is based upon Pyrotecnico creating one (1) soundtrack and the first set of revisions requested by Sponsor. Any additional revisions requested by the Sponsor will be billed at the rate of \$125 per set of revisions.

If Pyrotecnico provides a show which includes music or commercial video of any type that is protected under intellectual property law, Sponsor is solely responsible for payment of any applicable licensing fees, and/or BMI, ASCAP or other fees, and shall indemnify Pyrotecnico against any claims or liabilities which may arise from the use of the intellectual property.

POSTPONEMENT

If on the show date either the Authority Having Jurisdiction or Pyrotecnico (in its sole and absolute discretion) determines that the conditions make the show either impossible or would increase the risk of damage or danger to person or property, the Parties agree as follows:

- A. If the Parties agree to reschedule the display to a date within 6 months of the original date, then the Sponsor shall pay the Postponement Fee in addition to the original Compensation.
- B. If the Sponsor elects to cancel the display, the Sponsor shall pay the Cancellation Fee in full satisfaction of its obligations under this Agreement within 10 days of the show date.

CANCELLATION

If Sponsor cancels this Agreement for any reason other than Pyrotecnico's default, or, if it is or will be impossible for Pyrotecnico to perform all of its obligations under this Agreement for reasons outside of its control regardless of its best efforts, the Parties agree as follows:

- A. If the display is cancelled more than 30 days prior to the show date, Sponsor shall pay the Postponement Fee in full satisfaction of its obligations under this Agreement.
- B. If the display is cancelled 30 days or less prior to the show date, Sponsor shall pay the Cancellation Fee in full satisfaction of its obligations under this Agreement.

If Sponsor elects to cancel this Agreement, it must do so by sending a written notice via certified mail addressed to Pyrotecnico, PO Box 149, New Castle PA 16103. Notice is effective upon receipt by Pyrotecnico and will determine the fee owed by Sponsor under this paragraph.

In the event of any force majeure occurrences (e.g. floods, strikes, civil unrest, etc.) which prevent the display, Sponsor shall pay to Pyrotecnico the Postponement Fee in full satisfaction of its obligations under this Agreement.

INDEMNIFICATION & INSURANCE

Sponsor shall indemnify and defend Pyrotecnico and its shareholders, directors, officers, employees, agents, representatives and insurers from any and all demands, claims, causes of action, judgments or liability (including the costs of suit and reasonable costs of experts and attorneys) arising from damage to or destruction of property (including both real and personal) or bodily or personal injuries (including death), whether arising from tort, contract or otherwise, that occur directly or indirectly from (a) the gross negligence or willful misconduct of Sponsor or its employees, agents, contractors or representatives, or (b) the failure of Sponsor to comply with its obligations and responsibilities. Client further agrees to defend Pyrotecnico, its officers and/or employees against any claims brought or actions filed against Pyrotecnico with respect to Pyrotecnico's use of the show location. Sponsor will not under any circumstances be entitled to recover any consequential, incidental, exemplary, special or punitive damages from Pyrotecnico, including loss of income, business or profits.

If requested by Sponsor, Pyrotecnico will provide a certificate evidencing a maximum of \$10,000,000 general liability insurance coverage. Pyrotecnico agrees to name as additional insureds parties to whom Sponsor has written, contractual obligations to insure. Additional Insureds are limited to Sponsor, sponsors of Sponsor, property owners in and around the show site, municipal corporations (including authorities and public safety departments) and employees and volunteers of any of these. This coverage specifically does not include coverage for any independent acts of negligence of those additionally insured.



CREDITING

Sponsor will credit Pyrotecnico as "Fireworks by Pyrotecnico" in all advertising/marketing materials that are within the Sponsor's authority.

MISCELLANEOUS

- A) Neither this Agreement nor any part of this Agreement may be transferred, conveyed or assigned by Sponsor without the prior written consent of Pyrotecnico.
- B) This Agreement contains the entire Agreement between the Parties for this show and any prior agreements are terminated. This Agreement may only be amended, revised or terminated by a written instrument executed by the Party against which enforcement of the amendment, revision or termination is asserted. Any terms conflicting with or in addition to the terms of this Agreement, regardless of how communicated and regardless of the timing, are not a part of this Agreement.
- C) Tender of either the pre-show advance or full payment by Sponsor, without a signed contract, will represent Sponsor's acceptance of this Agreement as written.
- D) Nothing contained in this Agreement will create or be construed as creating a partnership, employment, joint venture or agency relationship between the Parties and no Party shall have the authority to bind the other in any respect.
- E) All of the terms of this Agreement apply to and are binding upon the Parties, and shall inure to the benefit of their successors, assigns, heirs and legal representatives, and all other persons claiming by, through or under them.
- F) The provisions of this Agreement that by their nature extend beyond termination or expiration of this Agreement survive such termination or expiration.
- G) All parties have been advised to seek their own independent counsel concerning the interpretation and legal effect of this Agreement and have either obtained such counsel, or have intentionally refrained from doing so and have knowingly and voluntarily waived such right. Consequently, the normal rule of construction to the effect that any drafting ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this Agreement or any amendments or exhibits.
- H) If either Party fails to enforce any of its rights under any provision of this Agreement or fails to exercise any election provided in this Agreement, it will not be considered to be a waiver of those provisions, rights or elections or in any way affect the validity of this Agreement. The failure of either Party to exercise any of these provisions, rights or elections will not prevent or prejudice such Party from later enforcing or exercising the same or any other provision, right or election which it may have under this Agreement.
- I) If any part of this Agreement is held by a court of competent jurisdiction to be unenforceable, the remainder of this Agreement will remain in full force and effect and will in no way be affected, impaired or invalidated. Pyrotecnico reserves the right to substitute products of equal or greater value.
- J) All notices must be in writing and will must be delivered personally with receipt acknowledged, or sent by certified mail, return receipt requested, or sent by nationally recognized overnight courier for next day delivery, to Pyrotecnico, 299 Wilson Road, New Castle PA 16101.
- K) The Parties agree that in the event of any difference of interpretation, or in the event of any controversy, claim or breach of this Agreement or any amendments, the Parties will immediately make good faith efforts to negotiate a written voluntary resolution of the matter prior to instigating legal proceedings.
- L) This Agreement may be executed by facsimile and PDF and in any number of counterparts, and each of the counterparts will be deemed an original. Sponsor represents by his/her signature that he/she has the authority to enter into this Agreement.

ACCEPTED AND AGREED as of the later of the dates set forth below the signatures below.

PYROTECNICO :

SPONSOR:

By:

By:

Name:

Name:

Title:

Title:

Date:

Date:

Address: PO Box 149

Address:

New Castle PA 16103



Phone: (724) 652-9555

Email: @pyrotecnico.com



Phone:

Email:



CONTACT/INSURANCE INFORMATION FORM

You must return this form with your signed contract and Pre-Show Advance for the insurance certificate to be processed.

Sponsor Name:

Sponsor Contact Name:

Address:

City, State & Zip:

Phone:

Fax:

Email:

Accounts Payable Contact:

Accounts Payable Email:

Display Date: _____ Display Time: _____

Rain Date:

Day-of-Show Contact Name:

Phone/Mobile:

Email:

Display Site Location and Address:

Additionally Insured – If Applicable:

****PLEASE RETURN THIS COMPLETED FORM TO****

FAX: +1.724.652.1288

EMAIL: jeskew@pyrotecnico.com

sgoldston@pyrotecnico.com



City of St. Pete Beach July 4th, 2017 Fireworks Display Proposal

A. Shell Count

- ✓ A total of **4,000** Display Shells will be provided for this Display. The Shell Count is as follows:

1-2": 2,400	2.5": 300
3": 600	4": 400
5": 300	

B. Shell Brands, Specialty Shells, Pattern Shells

- ✓ All Shells included in the Display will be of the following brands:

Lidu- High Quality Chinese Display Shells

Vulcan- High Quality Premium Brand Chinese Display Shells

Yung-Feng- Japanese Display Shells

Dancing- Premium Effect Chinese Brand Display Shells

- ✓ Specialty Shells will be included in the display. Several of the effects included are:

Pixie Dust Willow- (Shimmering Giant Willows with Color Pistils)

Nishiki Kamuro- Japanese Willows

Super Strobe- (Brilliant Fast-Frequency Strobe Breaks)

- ✓ Pattern Shells will be included in the Display. Several of the effects included are:

Star- (Five Pointed Star in Spangle Circle)

Ring- (Full Circle Pattern Cluster of Stars)

Starfish- (Actual Starfish Pattern Shell with Color Center)

C. Length of Display

- ✓ Display will last a **FULL 20-25 Minutes**. Breakdown of Each Segment of Display is noted Below:

D. Opener of Display

- ✓ **1 minute** length of opener
- ✓ Entire opener of display will be electronically fired.
- ✓ **396 shells** will be used in the opening of the display

1-2": 300	2.5": 36
3": 30	4": 20
5": 10	

E. Body of Display

- ✓ **17-22 Minutes & 30 Seconds** length of main body
- ✓ Entire body of display will be electronically fired.
- ✓ **2,124 shells** will be used in the body of display.

1-2": 1,260	2.5": 144
3": 240	4": 230
5": 250	

F. Pre-Finale of Display

- ✓ **30 second** length of pre-finale
- ✓ Entire pre-finale of display will be electronically fired.
- ✓ **432 shells** will be used in the pre-finale of display.

1-2": 300	2.5": 30
3": 60	4": 30
5": 12	

G. Grand Finale of Display

- ✓ **1 minute** grand finale
- ✓ Grand Finale of display will be electronically fired.
- ✓ **1,048 shells** will be used in the grand finale of display

1-2": 540	2.5": 90
3": 270	4": 120
5": 28	
- ✓ The grand finale will feature a **four feature** Finale:
 - 1st Feature: Color Shells Finale
 - 2nd Feature: Red, White, & Blue Finale
 - 3rd Feature: Silver Crackling Willows Finale
 - 4th Feature: Salute Finale

H. Equipment/Materials/Personnel Provided

- ✓ Professional and Qualified Technicians to Setup Display
- ✓ Certified and Qualified Shooter to Fire Display
- ✓ Digital Firing System and Modules
- ✓ All Racks, Nails, Lumber, Materials, etc.
- ✓ Professional and Qualified Technicians to Tear-Down Display
- ✓ **Fireworks Permit**
- ✓ Transportation
- ✓ Fuel
- ✓ Food
- ✓ Any other Miscellaneous Costs.

I. Liability Insurance

- ✓ **\$5,000,000.00** General Liability Insurance will be provided by Creative Pyrotechnics for display.
- ✓ **\$5,000,000.00** Auto Liability Insurance will be provided by Creative Pyrotechnics for display.
- ✓ **The City of St. Pete Beach, FL will be named as additional insured for display.**

J. Cost/Budget

- ✓ **2017 4th of July Fireworks Display:**

\$25,000.00 All-Inclusive

Proposal Created and Authorized on 3/13/2017 by:
Title:

E.J. Weppel
President

**St. Pete Beach City Commission
Agenda Report**

Issue

Considered: Authorize the City Manager to enter into a purchase agreement with Luke Brothers, Inc. for tree trimming services in the amount of \$52,973.75 for FY17.

Date: April 25, 2017

Prepared By: Mike Clarke, Public Services Director

**Summary
of Issue:**

The City received two bids on March 22, 2017 in response to a Request for Bids (RFB) for our annual tree trimming contract. This RFB requested pricing to trim the various palm species in our City (excluding Washingtonias, which require special attention due to height), as well as unit prices to trim the hardwood trees in our City parks. Although Ameri-pride, Inc. submitted a lower bid, a subsequent negative reference check has resulted in the City disqualifying Ameri-pride, making Luke Brothers, Inc. the lowest qualified bidder.

Based on the needs of the City as summarized on the bid tabulation, Public Works has deleted the removal of sabal palm boots and award the trimming of hardwood trees at McKenney Park and the 79th, 80th, and 83rd Avenue street ends from the unit prices provided.

Funding: Parks – Professional/Contractual (5310)

**Requested
Motion:**

“I move to authorize the City Manager to enter into a purchase agreement with Luke Brothers, Inc. for tree trimming services in the amount of \$52,973.75 for FY17.”

Attachments: Bid Tabulation Spreadsheet
Purchasing Agreement

**Reviewed by
City Manager:** WS



Tree Trimming

3/22/2017

BASE BID				Luke Bros.	Ameri-Pride
Trim Sabal Palms on City Properties				\$ 39,610.00	\$ 33,552.00
Trim Other Palms(as per inventory)				\$ 8,436.25	\$ 9,131.00
Remove Invasive Exotics				\$ 2,250.00	\$ 4,050.00
Total Base Bid				\$50,296.25	\$46,733.00

		Cost Per Tree			
UNIT PRICES	Qty.	Luke Bros.	Ameri-Pride	Luke Bros.	Ameri-Pride
Architectural trimming of hardwoods trees at McKenney Park	35	\$ 52.50	\$ 30.86	\$ 1,837.50	\$ 1,080.00
" " of hardwoods trees at 79th, 80th, and 83rd Ave east street ends	16	\$ 52.50	\$ 28.13	\$ 840.00	\$ 450.00

Total Bid	\$52,973.75	\$48,263.00
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CITY OF ST. PETE BEACH, FLORIDA
PURCHASING AGREEMENT

FY17 Tree Trimming

This is an Agreement (the "Agreement") entered into by and between the City of St. Pete Beach (hereinafter "City") and Luke Brothers, Inc. (hereinafter "Vendor"). The City and Vendor together shall be referred to as the "parties."

WHEREAS, City desires to purchase from Vendor the goods or services described in this Agreement; and

WHEREAS, Vendor is in the business of providing the goods or services described herein, and has submitted an appropriate proposal to the City to provide the same; and

WHEREAS, this Agreement has been properly approved by the appropriate authority of the City and the Vendor.

NOW, THEREFORE, upon the mutual covenants contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereto hereby agree to the following:

1. The foregoing recitals are true and correct, and incorporated herein by reference.
2. Public Records, Chapter 119, Florida Statutes. Vendor shall abide by the legal requirements referenced above and in Exhibit A. **IF THE VENDOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE VENDORS' DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (City Clerk, City of St. Pete Beach, Florida, 727-363-9220, cityclerk@stpetebeach.org, 155 Corry Avenue, St. Pete Beach, Florida 33706).**
3. City hereby agrees to purchase, and Vendor hereby agrees to sell or provide, the goods or services described in the proposal attached hereto and incorporated herein as Exhibit B.
4. Vendor shall deliver the goods, or provide the services, described herein no later than September 30, 2019 ("completion date").
5. Time is of the essence in the performance of this Agreement. City shall be entitled to liquidated damages in the amount of \$500 per day, for each day after the date set forth in paragraph 4 herein that Vendor has failed to properly and completely deliver all of the goods or provide all of the services specified herein. Vendor specifically acknowledges that the foregoing sum is reasonable and does not constitute a penalty.

6. Upon Vendor's satisfactory delivery of the goods, or full performance of the services, or in accordance with the payment schedule provided in the attached proposal, City shall pay Vendor the sum of \$52,973.75 as full consideration for goods or services provided in this Agreement and more specifically in Exhibit B.

7. Vendor fully warrants the title to any and all goods provided hereunder, and agrees to defend the same against all claims whatsoever. At the time of delivery, Vendor shall furnish to the City a bill of sale absolute, with full warranties, or other evidence of title transfer satisfactory to the City, for the goods specified herein.

8. Vendor expressly warrants that all goods delivered hereunder are of merchantable quality and fit for the purpose for which the City has purchased the same. Vendor further warrants that any defects in the goods shall be properly repaired by Vendor for a period of 18 months from final delivery ("guarantee period"), including all parts and labor associated with said repairs.

9. City reserves the right to reject any defective goods, notwithstanding City's payment of the purchase price provided herein.

10. Vendor fully warrants that all services and/or goods provided herein have been provided in a good and workmanlike manner. Vendor guarantees said services for a period of 18 months from the date of final performance. Vendor shall provide all labor and materials necessary to repair any defective workmanship reported to Vendor within said guarantee period.

11. To the extent that this Agreement requires Vendor to provide any services of any kind, Vendor and all of Vendor's subcontractors shall maintain public liability insurance in a combined single limit for bodily injury and property damage in the amount of not less than \$1,000,000.00, satisfactory to the City Manager, naming the City as an additional insured and providing coverage up through and including the final performance of any services provided herein. Vendor and all of Vendor's subcontractors shall maintain in full force and effect a policy of worker's compensation insurance for all of Vendor's employees in accordance with applicable state and federal law. Said insurance coverage shall include employer's liability with a single limit of \$100,000.00 per accident or occurrence. Vendor shall present City with a certificate for all of the foregoing insurance, at the time of executing this Agreement and at such other times requested by the City. The Vendor waives all rights against the City, the City's consultants, separate contractors, if any, and any of its subcontractors, agents and employees, for any and all damages caused to the extent covered by insurance described herein and obtained pursuant to this Section or other property insurance applicable to the services and product provided under this Agreement. The City shall require of the Vendor, Vendor's consultants, separate contractors, if any, and the subcontractors, sub-subcontractors, agents and employees of any of them, by appropriate agreements, written where legally required for validity, similar waivers each in favor of other parties enumerated herein. The policies shall provide such waiver of subrogation by endorsement other otherwise. A waiver of subrogation shall be effective as to a person or entity even though that person or entity would otherwise have a duty of indemnification, contractual or otherwise, did not pay the insurance premium directly or indirectly, and whether or not the person or entity had an insurable interest in the property damaged.

12. In consideration of the payment of ten dollars as part of the above purchase price, Vendor shall indemnify, defend and hold the City harmless for itself, its employees, agents and assigns, from and against any and all losses, claims, damages, suits, actions, or demands, including attorneys' fees and costs of litigation through all appellate proceedings, arising from the performance or non-performance of this Agreement, whether caused in part by the City or not.

13. This Agreement shall be binding upon the parties, their successors, assigns, and legal representatives. Vendor shall not assign or otherwise transfer any of the rights or duties under this Agreement, without the express written consent of the City.

14. This document and exhibits embody the entire Agreement of the parties. There are no promises, terms, conditions, or representations binding on either party hereto, other than those contained herein; and this document shall supersede all previous communications, representations, and/or agreements between the parties hereto, whether written or oral. This Agreement may be modified only in writing executed by all parties. This Agreement shall be construed according to the laws of Florida, and venue for any action arising herefrom shall be in Pinellas County, Florida.

15. The following Exhibits shall be attached, incorporated and made a part of this Agreement:

- a. Florida public records law (Exhibit "A")
- b. Vendor's proposal (Exhibit "B")

16. The prevailing party in any action to enforce or interpret this Agreement shall be entitled to reasonable attorney's fees incurred through all appellate proceedings.

17. Vendor hereby acknowledges that the person executing this Agreement on behalf of Vendor has the full authority to do so and to bind Vendor to the terms hereof.

18. Any and all notices sent pursuant to this Agreement shall be given in writing via certified mail or overnight courier and shall be delivered to the following addresses:

As to Vendor:
Luke Brothers, Inc.
Attn.: Matt Mondelli
5532 Auld Lane
Holiday, FL 34690

As to City:
City Manager
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

19. To the extent that any terms in the attached proposal conflict with the terms of this Agreement, the terms of this Agreement shall control and supersede such conflicting terms in the attached proposal, to the extent of such conflict.

20. This Agreement may be amended or modified only in writing signed by all Parties hereto. This Agreement shall not be modified by any oral statement, communication, Agreement, course of conduct, or by anything other than a writing signed by the Parties.

21. This Agreement may be executed by the parties in counterpart originals with the same force and effect as if fully and simultaneously executed as a single original document. The “Effective Date” of this Agreement shall be the date this Agreement has been executed by all parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year set forth below.

Luke Brothers, Inc.

City of St. Pete Beach:

Signature: _____

Signature: _____

By: _____

By: _____

Its: _____

Its: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

ATTEST:

Andrew Dickman
City Attorney

Rebecca C. Haynes
City Clerk

EXHIBIT “A”

Florida Public Records Law

119.0701 Contracts; public records; request for contractor records; civil action. —

(1) DEFINITIONS. —For purposes of this section, the term:

(a) “Contractor” means an individual, partnership, corporation, or business entity that enters into a contract for services with a public agency and is acting on behalf of the public agency as provided under s. 119.011(2).

(b) “Public agency” means a state, county, district, authority, or municipal officer, or department, division, board, bureau, commission, or other separate unit of government created or established by law.

(2) CONTRACT REQUIREMENTS. —In addition to other contract requirements provided by law, each public agency contract for services entered into or amended on or after July 1, 2016, must include:

(a) The following statement, in substantially the following form, identifying the contact information of the public agency’s custodian of public records in at least 14-point boldfaced type:

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (telephone number, e-mail address, and mailing address).

(b) A provision that requires the contractor to comply with public records laws, specifically to:

1. Keep and maintain public records required by the public agency to perform the service.
2. Upon request from the public agency’s custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the public agency.
4. Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the contractor or keep and maintain public records required by the public agency to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency’s custodian of public records, in a format that is compatible with the information technology systems of the public agency.

EXHIBIT “B”

(Place Vendor’s Proposal behind this page)

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Appointment to the General Employees' Pension Board of Trustees

Date: April 25, 2017

Prepared By: Rebecca C. Haynes, City Clerk

Prepared Through: Wayne Saunders, City Manager

Summary of Issue: The re-appointment will fill a Commission-appointed seat occupied by Mr. Bill Schroeder whose term expired in March 2017. Mr. Schroeder has expressed his desire to serve another two-year term on the Board.

Requested Motion: "I move to re-appoint Mr. Bill Schroeder to the General Employees' Pension Board of Trustees."

Attachments: Correspondence from Mr. Bill Schroeder

**Reviewed by
City Manager:** WS



April 11, 2017

City of St Pete Beach

**Re: Renew Appointment
Chairman – General Employees' Pension**

Dear Mary Jo Murphy,

Good day. I have been asked to submit a short note to your attention. Should the Commission wish to renew my appointment as Chairman for the General Employees' Pension Board, I would be happy to serve another term.

Best regards,

A handwritten signature in black ink, appearing to read 'William C. Schroeder', is written over a horizontal line. The signature is fluid and cursive.

William C. Schroeder
Senior Director, Corporate Development
Jabil Circuit, Inc.

JABIL CIRCUIT, INC.
10560 Dr. Martin Luther King Jr. Street N., St. Petersburg, FL 33716
www.jabil.com

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance No 2017-04 – Traffic and Vehicles

Date: April 25th, 2017

Prepared By: Jennifer Bryla – Community Development Director

Through: Wayne Saunders, City Manager

Summary of Issue: Proposed for your consideration is City-initiated amendment to Chapter 82 of the Code of Ordinances. The changes proposed are in response to concerns regarding seasonal property owners not having their vehicles registered in the state of Florida. Specifically the Ordinance allows residents to obtain a “D” sticker regardless if there car is registered to the owners’ Pass-A-Grille address. In addition the City Commission requested a change be made that all properties north of the Don Cesar Hotel and south of 37th Ave would no longer be entitled to “D” permits but “C” permits instead.

Requested Motion: I move to approve Ordinance No. 2017-04 on first reading as presented. (read title)

Attachments

- (1) **Exhibit B** – Staff Report
- (2) **Exhibit A** – Ordinance 2017-04
- (3) **Exhibit C** - Chapter 82 Code of Ordinances with changes in underline strikethrough

**Reviewed by the
City Manager**

WS

	St. Pete Beach City Commission 155 Corey Avenue St. Pete Beach, FL 33706 727-367-2735
04/25/2017	
Item Number Ordinance #2017-04 Type of Application Amendment to Chapter 82 of the Code of Ordinances Applicant City of St. Pete Beach Location City wide Project Planner(s) Jennifer Bryla, AICP, Requested Action Recommendation of Approval of Ordinance 2017-04 Staff Recommendation Approval Planning Board 3/21/2017 Recommended Approval 4-0 (Ohlhaber, Shavlan) City Commission First Reading (5-0) Commission altered language to expand "C"	ITEM SUMMARY: The City Commission amended the City's parking Ordinance (Chapter 82 of the Code of Ordinances) in March of 2016. That effort was undertaken in an effort to: 1) More clearly define the different types of parking permits issued by the City; 2) Simplify the posted times of restricted parking areas; and 3) Add application submittal requirements. This Ordinance continues to respond to resident needs by treating the issuance of "D" parking decals similar to the "B" decals. The code currently recognizes that several of our citizens are residents of other states and as such have they may have their cars registered in other states. The "B" sticker requirement allows for a car to registered somewhere else as long as you have proof of ownership or occupancy of the house. The current "D" sticker criteria requires that all vehicles that obtain a "D" sticker, have their cars registered to that address. This Ordinance allows for the "D" decal criteria to be treated similar to the other decals. In addition, on April 11th, at the first public hearing, the City Commission requested a change be made that all properties north of the Don Cesar Hotel and south of 37th Ave would no longer be entitled to "D" permits but 

permit location and remove “D” permits Findings In its review of the proposed application, staff has determined: 1. The proposed application is consistent with Florida Statutes. 2. The proposed application is consistent with the Pinellas County Regional Policy Plan. 3. The proposed application is consistent with the St. Pete Beach Comprehensive Plan. 4. The proposed application is consistent with the intent of the LDC.	“C” permits instead. PUBLIC NOTICE: Notice of public hearing has been advertised as required by State Statutes. As of the date of this report, no oral or written comments have been received. Oral and written comments may be presented at the public hearing. COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE: The proposed Ordinance is consistent with the City of St. Pete Beach’s Comprehensive Plan, which does not regulate parking or give any guidance as to how parking regulations should be formulated. The proposed Ordinance is also consistent with the Land Development Code, which regulates the form and location of parking spaces, lots, and structures. Specifically, Division 23 (Off-Street Parking and Loading) provides dimensional standards for parking areas, as well as dictates the number of parking spaces required for each type of use. The goal of Chapter 82 of the Code of Ordinances is to compliment the regulations provided in Division 23 of the Land Development Code to make sure that business, residences, and visitors all have a place to park without conflict. PLANNING BOARD: The Planning Board heard the Ordinance on March 21st, 2017 and recommended approval 4-0 (Ohlhaber, Shavlan) CITY COMMISSION: The City Commission heard Ordinance 2017-04 on April 11th, 2017 for the first reading and the Commission requested that the Ordinance be altered to remove the ability for those properties north of the Don Cesar to 37th Ave to receive a “D” parking permit and allow those addresses to receive a “C” permit in its place. STAFF RECOMMENDATION: Upon review of the above guiding documents, staff recommends approval of Ordinance 2017-04 as presented. Attachments (1) Exhibit A – Ordinance 2017-04 (2) Exhibit B – Staff Report (3) Exhibit C – Chapter 82, Code of Ordinances with edits indicated in <u>underline</u>/striketrough
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Ordinance 2017-04

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, AMENDING CHAPTER 82, SECTION 82-137, 82-244 and 82-245 OF DIVISION 4, OF THE CITY OF ST PETE BEACH CODE OF ORDINANCES; AMENDING THE LIMIT OF “D” DECALS PERMITTED FOR PURCHASE FOR VEHICLES REGISTERED TO A “D” PERMITTED ADDRESS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach recognizes that parking availability on Pass-A-Grille side streets is limited; and

WHEREAS, the City Commission of the City of St. Pete Beach recognizes that several owners of property in Pass-A-Grille do not reside in the City full time, but have their cars registered in other states; and

WHEREAS, the City Commission encourages the protection of residential neighborhoods and the public health, safety, and welfare of residents and visitors.

WHEREAS, on March 21, 2017, the Planning Board conducted a duly noticed public hearing on the proposed Code of Ordinance amendments; and

WHEREAS, on April 11th, 2017, the City Commission conducted a duly noticed first public hearing on the proposed Code of Ordinance amendments; and

WHEREAS, on April 25th, 2017, the City Commission conducted a duly noticed second public hearing on the proposed Code of Ordinance amendments and the City Commission approved the amendments.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2 Sec. 82-137. - Posted restricted parking zones shall be amended as follows:

(a) The following city streets shall require a "D" permit for parking from 8:00 a.m. to 8:00 p.m. every day on one side of the street, as designated on the city parking maps:

1st Avenue between Gulf Way and Pass-a-Grille Way;

12th Avenue thru 14th Avenue between Gulf Way and Pass-a-Grille Way;

17th Avenue thru 20th Avenue between Gulf Way and Pass-a-Grille Way;

22nd Avenue between Gulf Way and Pass-a-Grille Way;

25th Avenue between Sunset Way and Pass-a-Grille Way;

27th Avenue thru 30th Avenue between Sunset Way and Pass-a-Grille Way;

~~37th Avenue between Gulf Blvd. and El Centro;~~

Sunset Way between 23rd Avenue and 24th Avenue;

Sunset Way between 28th Avenue and 30th Avenue;

1st Avenue West between 31st Avenue and 32nd Avenue;

32nd Avenue between Sunset Way and the beach;

~~Alhambra South Maritana Drive between West Maritana Drive and Granada Street;~~

~~Alhambra Street between West Maritana and West Debazan Avenue;~~

~~West Debazan Avenue between East Debazan and South Maritana;~~

~~Debazan Avenue between Casablanca and Alhambra Street;~~

~~East Debazan between Alhambra Street and South Debazan Avenue;~~

~~Alfonzo Street between West Maritana Drive and West Debazan Avenue;~~

~~Granada Street between East Debazan Avenue and East Maritana Drive;~~

~~Barcelona Street between Debazan Avenue and East Maritana Drive; Beach Plaza between 70th Avenue and 71st Avenue;~~

Pass-a-Grille Way between 7th Avenue and 3rd Avenue; and

~~18 parking spaces on the west side of the Beach Plaza between 70th Avenue and 71st Avenue.~~

(v)

The following city streets shall require a "C" permit for parking at any time every day on one side of the street, as designated on the city parking maps:

East Maritana Drive between 37th Avenue and Pinellas Bayway;

Casablanca Avenue between 37th Avenue and Pinellas Bayway;

Casablanca Avenue at Cabrillo Avenue; and

36th Avenue between Gulf Blvd. and East Maritana Drive.

37th Avenue between Gulf Blvd. and El Centro;

Alhambra South Maritana Drive between West Maritana Drive and Granada Street;

Alhambra Street between West Maritana and West Debazan Avenue;

West Debazan Avenue between East Debazan and South Maritana;

Debazan Avenue between Casablanca and Alhambra Street;

East Debazan between Alhambra Street and South Debazan Avenue;

Alfonzo Street between West Maritana Drive and West Debazan Avenue;

Granada Street between East Debazan Avenue and East Maritana Drive;

Barcelona Street between Debazan Avenue and East Maritana Drive.

SECTION 3. Sec. 82-244. - "D" residential parking permits is hereby amended as follows:

A controlled parking residential area is hereby established, to include the streets listed in subsections 82-137(a)—(d), generally described as the residential side streets in Pass-a-Grille and the surrounding area.

- (1) Any resident of the city, as defined in section 82-1, who resides on a "D" street as defined in subsections 82-137(a)—(d) and who has a vehicle registered in their name shall be allowed to purchase a "D" parking permit for those vehicles, in the form of a decal, for a fee established by resolution of the city commission and listed in appendix A to this Code.
- (2) Each dwelling shall also be allowed to purchase two temporary "D" hang tags per month for their visitors, not to exceed three consecutive months.
- (3) Temporary "D" hang tags shall be valid for thirty (30) days from the date of purchase, and shall not be purchased more than three months in advance. The date of purchase shall be plainly stamped on each permit.

- (4) "D" parking decals shall be valid from the date of purchase through December 31 of the same year. The purchase price of a parking decal shall not be prorated or reduced if the parking decal is purchased after January 1.

SECTION 4 Sec. 82-245. - "C" residential parking permits.

(a) A controlled parking residential area is hereby established, to include the streets listed in subsection [82-137\(v\)](#), generally described as the residential side streets on East Maritana Drive and Casablanca Avenue between 37th Avenue and Pinellas Bayway, 37th Avenue west of Gulf Boulevard, El Centro Street from 37th Avenue to 35th Avenue, and the streets of Alhambra, Alfonso, Barcelona, Granada, East DeBazan, West DeBazan, South DeBazan, East Maritana, and South Maritana.

(b) Any resident of the city, as defined in [section 82-1](#), who resides on and who has a vehicle registered to a "C" street as defined in subsection [82-137\(v\)](#) shall be allowed to purchase a "C" parking permit, in the form of a decal, for a fee established by resolution of the city commission and listed in appendix A to this Code.

(c) "C" parking decals shall be valid from January 1 through December 31 of each year. The purchase price of a parking decal shall not be prorated or reduced if the parking decal is purchased after January 1.

SECTION 5. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 6. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall become effective immediately upon final passage and adoption.

CITY COMMISSION, CITY OF ST. PETE

BEACH, FLORIDA.

Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2017.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

Andrew Dickman, City Attorney

Chapter 82 - TRAFFIC AND VEHICLES¹¹

Footnotes:

--- (1) ---

Cross reference— Consumption or possession of open containers of alcoholic beverages in public places prohibited, § 6-5; identification of commercial vehicles required, § 26-2; emergency procedures during hurricanes, § 34-1; distribution of handbills restricted, § 46-1; noise regulations, § 46-131 et seq.; motor vehicle noise restrictions, § 46-147; skateboards and motorized vehicles restrictions in parks and recreation areas, § 58-6; streets and sidewalks, ch. 74; skateboarding prohibited, § 74-1; vehicles for hire, ch. 90; permits required for vehicles on the beach, § 94-73.

State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166; Florida Uniform Traffic Control Law, F.S. ch. 316; restrictions on power of municipality to regulate traffic, F.S. §§ 316.006—316.008.

ARTICLE I. - IN GENERAL

Sec. 82-1. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commuter vehicle means a motor vehicle parked in a residential area by a person who is not a resident of the designated residential area.

Controlled parking residential area means a contiguous or nearly contiguous area containing streets or parts thereof primarily abutted by property which has a specific residential zone designation on the official zoning map and which is designated for restricted residential parking by the city manager, pursuant to criteria and procedures established in this division.

Dwelling means a room or group of rooms forming a single independent habitable unit used for or intended to be used for living, sleeping, sanitation, cooking, and eating purposes by one family only; for owner occupancy or for lease; and containing independent kitchen, sanitary and sleeping facilities. A dwelling does not include motels, hotels, and other transient accommodation uses.

Resident means a person who owns or leases real property for at least (6) six consecutive months within the city, as evidenced by a form listed in Sec. 82-2.

Residential parking permit means a special permit issued under this division for the privilege of parking on a street designated as a "controlled parking residential area."

Cross reference— Definitions generally, § 1-2.

Sec. 82-2. Requirements for issuance of parking permits.

The following shall be required at the time of issuance:

- (a) A valid driver's license.
- (b) Proof of residency in one of the following forms shall be required for all annual parking permits:
 - (1) Voter Registration Card
 - (2) Real Estate Tax Bill

- (3) Lease Agreement for a period of at least 6 consecutive months within the year of issuance
 - (4) Driver's License with current address
 - (5) Utility Bill with current address
 - (6) Three pieces of mail with current address
- (c) Proof of employment in one of the following forms shall be required for all annual parking permits for employees and owners of businesses in accordance with Sec. 82-202:
- (1) A current paycheck stub with the applicant's name,
 - (2) A letter signed by the owner of the business stating the applicant is currently employed at that location.
 - (3) A current business tax license issued by the City of St. Pete Beach that contains the applicant's name.
- (d) In the event that a resident cannot produce any of the above documents, the resident will immediately be referred to a supervisor who will assist the resident by looking for other possible ways to provide satisfactory proof of residency that may be approved by the Community Development Director.
- (e) Current vehicle registration shall also be required for issuance of all annual parking permits. Hang tags shall be exempt from this requirement.
- (f) Payment in accordance with Appendix A of this Code.

Sec. 82-3. - Penalty.

Except as otherwise provided, anyone violating the provisions of this chapter shall be punished according to the penalties set out in F.S. § 316.655.

(Code 1960, § 24-1; Ord. No. 216, § 10; Code 1983, § 21-4)

Sec. 82-4. - Unattended motor vehicles.

No person driving or in charge of any motor vehicle, except a licensed delivery truck or other delivery vehicle making deliveries, shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key. No vehicle shall be permitted to stand unattended upon any perceptible grade without stopping the engine and effectively setting the brake thereon.

(Code 1960, § 24-28(a); Ord. No. 216, § 4; Ord. No. 275, § 1; Ord. No. 399, § 2; Code 1983, § 21-22)

State Law reference— Similar provisions, F.S. § 316.1975.

Secs. 82-5—82-29. - Reserved.

ARTICLE II. - SPECIFIC STREET REGULATIONS^[2]

Footnotes:

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Cross reference— Streets and sidewalks, ch. 74.

DIVISION 1. - GENERALLY

Sec. 82-30. - Traffic control devices.

All traffic control devices erected and in place on all city streets within the city as of April 1, 2006 shall be deemed valid for all purposes in the location where the same have been erected, and the violation of any such device by any person shall be deemed a violation of the applicable state control law pertaining to such device.

(Ord. No. 06-14, § 1, 4-25-06)

Sec. 82-31. - One way streets.

The following streets, roadways and avenues shall be designated as one way.

- (1) East Maritana Drive between 35th Avenue and 36th Avenue.
- (2) 22nd Avenue west bound between Gulf Way and Pass-A-Grille Way.
- (3) 16th Avenue west bound between Gulf Way and Pass-A-Grille Way.
- (4) 15th Avenue east bound between Gulf Way and Pass-A-Grille Way.
- (5) 9th Avenue east bound between Gulf Way and Pass-A-Grille Way.
- (6) El Centro south bound between 37th Avenue and 35th Avenue.
- (7) 10th Avenue westbound between Pass-A-Grille Way and Gulf Way.
- (8) Alley between 16th Avenue and 17th Avenue.

(Ord. No. 98-76, § 1, 12-15-98; Ord. No. 99-40, § 1, 8-3-99; Ord. No. 06-16, § 1, 5-9-06; Ord. No. 10-06, § 1, 5-25-10; Ord. No. 10-30, § 1, 9-28-10)

Secs. 82-32—82-60. - Reserved.

DIVISION 2. - SPEED LIMITS^[3]

Footnotes:

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Editor's note—Ord. No. 02-08, § 1, adopted Feb. 19, 2002, repealed former §§ 82-61—82-65, which pertained to posting; fifteen miles per hour; twenty miles per hour; twenty-five miles per hour; thirty-five miles per hour. Section 2 of said ordinance enacted provisions designated as § 82-61 to read as herein set out. See the Code Comparative Table.

State Law reference— Speed limits generally, F.S. §§ 316.183—316.1906; municipal authority as to speed limits, F.S. §§ 316.007, 316.008(1)(j), 316.189.

Sec. 82-61. - Speed limits.

- (a) The applicable speed limit for all city streets within the city shall be 30 miles per hour for all commercial areas and 25 miles per hour for all residential areas, unless otherwise provided by ordinance.
- (b) Notwithstanding subsection (a) hereof, the following speed limits shall be applicable on the following city streets:

20 mph:	
Gulf Way	From 1st Avenue to 22nd Avenue
44th Avenue	From Gulf Boulevard to Poinsettia Drive
41st Avenue	From Belle Vista Drive to Poinsettia Drive
Belle Vista Drive	From 39th Avenue to Oleander Way

- (c) The city manager shall post appropriate speed limit signs that meet the requirements of state law for all speed limits established in this section. All speed limits in effect at the time of adoption of this section shall remain effective unless amended hereby or hereafter by ordinance. It shall be unlawful for any person to exceed any speed limit established under this section.

(Ord. No. 02-08, § 2, 2-19-02; Ord. No. 06-14, § 2, 4-25-06)

Secs. 82-62—82-94. - Reserved.

DIVISION 3. - WEIGHT LIMITS

Sec. 82-95. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bus means any vehicle designed or operated for the transportation of persons, other than an ordinary automobile, station wagon, camper, motor home, truck as defined in this section or van with a capacity of carrying persons, rather than property, provided, further, that the carrying of luggage is not consistent with this definition.

Bus route means certain streets, as designated in this division, over and along which buses shall operate within the city during designated hours.

Deviating truck means any truck in the restricted vehicle classification which travels over a street other than a designated truck route.

Truck means any vehicle designed for the transportation of property in the following classifications:

- (1) Unrestricted vehicles (light/medium trucks) means pickups, vans and panels with a maximum length of 21 feet and a maximum gross vehicle weight (GVW) of 8,000 pounds and single-unit, single-rear-axle trucks with a maximum length of 35 feet and a maximum GVW of 35,000 pounds.
- (2) Restricted vehicles (heavy trucks) means single-unit, multi-rear-axle trucks with a maximum length of 40 feet and a maximum GVW of 60,000 pounds, including dumptrucks and concrete mixers, and all tractor-trailer and semitrailer combinations with a maximum length of 55 feet and a maximum GVW of 80,000 pounds.

Truck route means certain streets, as designated in this division, over and along which trucks in the restricted vehicle classification shall operate within the city during designated hours.

(Code 1960, § 24-7; Ord. No. 273, §§ 1—4; Ord. No. 294, § 1; Ord. No. 313, §§ 1—3; Ord. No. 82-49, § 1; Code 1983, § 21-3(a))

Cross reference— Definitions generally, § 1-2.

Sec. 82-96. - Truck routes and bus routes established; map.

There is established within the city a system of truck routes and bus routes as shown on a map on file in the office of the city clerk. Streets indicated as truck routes on the map, and no others, shall be used for truck traffic. The streets indicated as bus routes on the map, and no others, shall be used for bus traffic.

(Code 1960, § 24-7; Ord. No. 273, §§ 1—4; Ord. No. 294, § 1; Ord. No. 313, §§ 1—3; Ord. No. 82-49, § 1; Code 1983, § 21-3(b))

Sec. 82-97. - Posting of truck and bus routes; signs.

For the purpose of this division, the city manager shall cause truck routes to be clearly posted and shall cause bus routes to be clearly posted. The city manager is authorized to install appropriate signs along designated roadways to control truck operations and to control bus operations, in accordance with this division. Signs will conform to those shown in the Manual of Uniform Traffic Control Devices, and their use shall be as designated therein.

(Code 1960, § 24-7; Ord. No. 273, §§ 1—4; Ord. No. 294, § 1; Ord. No. 313, §§ 1—3; Ord. No. 82-49, § 1; Code 1983, § 21-3(f))

Sec. 82-98. - Enforcement; penalties.

Any person who shall violate this division shall be subject, upon conviction, to fine or imprisonment as provided in section 1-14. Such moneys, excluding those previously committed, shall be held in trust by the city for use in signing and for physical improvements to the city and to maintain facilities on the truck route system and on the bus route system.

(Code 1960, § 24-7; Ord. No. 273, §§ 1—4; Ord. No. 294, § 1; Ord. No. 313, §§ 1—3; Ord. No. 82-49, § 1; Code 1983, § 21-3(g))

Sec. 82-99. - Observance of truck routes and bus routes; exceptions.

- (a) All buses and all trucks in the restricted vehicles classification within the city shall be operated only over and along the bus routes and truck routes established pursuant to section 82-96.
- (b) This division shall not prohibit operation on streets of destination if authorized truck routes and bus routes are used until reaching the intersection nearest the destination point and such destination is proven upon request through possession of a valid and current delivery ticket or other dispatch order.
- (c) Authorized emergency vehicles are exempt from this division.
- (d) Detoured trucks on an officially established detour, if such trucks could lawfully be operated upon the street for which the detour is established, are exempted from this division.

(Code 1960, § 24-7; Ord. No. 273, §§ 1—4; Ord. No. 294, § 1; Ord. No. 313, §§ 1—3; Ord. No. 82-49, § 1; Code 1983, § 21-3(c))

Sec. 82-100. - Manner of utilization of bus routes and truck routes.

- (a) Bus traffic and truck traffic of outside origin. Bus traffic and truck traffic of outside origin shall be subject to the following:
 - (1) Inside destination point. All restricted buses and trucks entering the city for a destination point in the city shall proceed only over an established bus or truck route and shall deviate only at the intersection with the street upon which the traffic is permitted, nearest the destination point. Upon leaving the destination point, a deviating truck or bus shall return to the truck route by the shortest permissible route.
 - (2) Multiple inside destination points. All restricted buses and restricted trucks entering the city for multiple destination points shall proceed only over established bus routes or truck routes and shall deviate only at the intersection with the street upon which bus traffic or truck traffic is permitted, nearest the first destination point. Upon leaving the first destination point, a deviating truck or deviating bus shall proceed to other destination points by the shortest direction and only over truck routes or bus routes. Upon leaving the last destination point, a deviating truck or deviating bus shall return to the truck route or the bus route by the shortest permissible route.
- (b) Truck traffic or bus traffic of inside origin. Truck traffic or bus traffic of inside origin shall be subject to the following:
 - (1) Outside destination point. All restricted trucks or restricted buses on a trip originating in the city and travelling in the city for a destination point outside the city shall proceed to the nearest intersection of a designated bus route or a designated truck route and travel from that point to the city limits only over designated truck routes or designated bus routes.
 - (2) Inside designated points. All restricted buses or restricted trucks on a trip originating in the city and traveling in the city for destination points in the city shall proceed only over designated truck routes or designated bus routes.

(Code 1960, § 24-7; Ord. No. 273, §§ 1—4; Ord. No. 294, § 1; Ord. No. 313, §§ 1—3; Ord. No. 82-49, § 1; Code 1983, § 21-3(d))

Sec. 82-101. - Hours of operation; time of day restrictions.

Trucks and buses shall be able to travel upon truck routes or bus routes at all hours of the day unless duly authorized signs are installed limiting the hours of use on a particular street or portion of a street for either buses or trucks. Those streets which are designated as partially restricted bus routes or

truck routes shall be off limits to trucks or buses in the restricted classification during the hours of 6:00 p.m. to 6:00 a.m. Any restricted truck or restricted bus attempting to utilize a partially restricted truck route or partially restricted bus route during a restricted time period shall be regarded as a deviating truck or as a deviating bus.

(Code 1960, § 24-7; Ord. No. 273, §§ 1—4; Ord. No. 294, § 1; Ord. No. 313, §§ 1—3; Ord. No. 82-49, § 1; Code 1983, § 21-3(e))

Secs. 82-102—82-130. - Reserved.

ARTICLE III. - STOPPING, STANDING AND PARKING^[4]

Footnotes:

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Cross reference— Streets and sidewalks, ch. 74.

State Law reference— Municipal authority relative to stopping, standing and parking, F.S. §§ 316.007, 316.008(1)(a); stopping, standing and parking generally, F.S. §§ 316.1945—316.1967.

DIVISION 1. - GENERALLY

Sec. 82-131. - Parking at Don Vista Community Center.

- (a) The parking lot at the Don Vista Community Center shall be used for parking only by permit issued to persons who are using the community center. Persons not having a permit and using the community center are prohibited from parking in the center's parking lot.
- (b) The city shall post signs which provide, in some manner or form, that the parking lot at the Don Vista Community Center is reserved for parking for a vehicle whose operator has a permit and is using the community center. The signs may also provide for no parking for persons not using the community center.

(Code 1960, § 24-35; Ord. No. 341, §§ 1—3; Code 1983, § 21-21)

Sec. 82-132. - Special restrictions for buses and taxicabs.

The operator of a bus, including a tour bus of any kind, nature or description, wherein passengers are carried through the city or a taxicab shall not stop, stand or park upon any street in any district at any place or at any time other than at a bus stop or taxicab stand, respectively. However, this section shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping, standing or parking regulations at any place for the purpose of and while engaging in the expeditious unloading or loading of passengers.

(Code 1960, § 24-28(b); Ord. No. 216, § 4; Ord. No. 275, § 1; Ord. No. 399, § 2; Code 1983, § 21-23)

Sec. 82-133. - Parking on unimproved property.

- (a) It shall be unlawful for any person to park any motor vehicle on the unimproved property of another person where such property has been posted with a notice prohibiting parking. Any person who parks any motor vehicle on the unimproved property of another person shall have the burden of proving that permission or consent therefor has been granted, either by the owner of the property or by the city manager.
- (b) Penalties for violation of subsection (a) of this section shall be assessed in accordance with section 1-14.

(Code 1983, § 21-29; Ord. No. 84-35, §§ 1, 2, 7-17-84)

Sec. 82-134. - Parking within marked parking stalls.

- (a) Parking restrictions. The following shall apply wherever the city has provided marked parking stalls, either upon city streets or upon city-maintained parking areas, except as provided in subsection (b) of this section:
 - (1) All vehicles shall only be permitted to park within the marked stalls which have been provided on such streets or parking areas.
 - (2) No vehicle shall be entitled to be parked in more than one stall at any one time, unless its overall length is greater than the length of one stall.
 - (3) A vehicle must be parked with all of its wheels inside the parked stall unless, due to overall length as provided in subsection (a)(2) of this section, the vehicle's overall length is greater than the overall length of the provided stall.
 - (4) Only two vehicles shall be parked within a single stall at any one time.
 - a. When the stall is metered parking, only a single meter fee is required; however, both occupants shall be responsible to ensure that the meter fee is paid.
 - b. This subsection shall apply to both parallel and diagonal parking stalls.
 - (5) The city manager may waive the restrictions of this section in order to allow permitted special events or under such other circumstances as are deemed appropriate in the sole discretion of the city manager.
- (b) Exceptions. The city maintains a municipal boatramp situated at West Maritana and Casablanca, in the area between 30th and 35th Avenues, where the city has marked single vehicle parking stalls and installed metered parking. The restrictions provided in subsection (a) of this section shall not be applicable to metered stalls situated in this area for vehicles towing an attached boat trailer. One vehicle with attached boat trailer may occupy two marked parking stalls and pay only a single meter fee subject to the following:
 - (1) The vehicle and trailer are physically connected in the manner normally used for towing.
 - (2) The vehicle and the trailer occupy no more than two adjacent parking stalls.
 - (3) The regular meter fee shall be paid into the meter installed where the motor vehicle is parked. When the owner or operator of a motor vehicle with a boat trailer in tow complies with subsections (b)(1) and (2) of this section, no additional simultaneous meter fee would be required for the meter serving the stall occupied by the boat trailer.
 - (4) This exception shall apply only to parallel parking stalls.

(Code 1983, § 21-30; Ord. No. 84-60, §§ 1, 2, 12-18-84; Ord. No. 90-11, § 1, 6-19-90)

Sec. 82-135. - Parking in commercial district.

- (a) For the purpose of this section, the commercial business area is defined as Eighth Avenue in its entirety, east to west.
- (b) It shall be unlawful to park any vehicle between the hours of 8:00 a.m. and 8:00 p.m. on any day in any commercial business area for a period of longer than two hours where signs are officially posted. However, the city manager shall be authorized to further limit, restrict or prohibit parking within this area by the posting of official signs. The changing of the parked position of a vehicle from one parking space directly to another parking space within either side of the same street or roadway shall be deemed one continuous parking period. Vehicles displaying a valid "D" pursuant to section 82-239 of this chapter, city code permits are exempt from the limit of two hours.
- (c) The parking of any vehicle longer than the legal period of time as posted on official signs shall be unlawful and a violation of this section. No person shall cause, allow, permit or suffer any motor vehicle to be parked beyond the lawful or legal period of time permitted by subsection (a) of this section.

(Code 1983, § 21-31; Ord. No. 87-25, § 1, 7-21-87; Ord. No. 12-08, § 1, 5-22-12)

Sec. 82-136. - Parking of boats, campers and recreational and commercial vehicles on city rights-of-way.

The parking of boats, trailers, campers, recreational vehicles, commercial vehicles and trucks in excess of one ton cab weight shall be prohibited on any city rights-of-way between the hours of 12:00 midnight and 6:00 a.m. The city manager may waive this prohibition on a temporary basis where it is determined that such waiver is necessary.

(Code 1983, § 21-31; Ord. No. 95-34, § 1, 8-15-95; Ord. No. 03-14, § 1, 8-19-03)

Sec. 82-137. - Posted restricted parking zones.

- (a) The following city streets shall require a "D" permit for parking from 8:00 a.m. to 8:00 p.m. every on one side of the street, as designated on the city parking maps:

1st Avenue between Gulf Way and Pass A Grille Way;

12th Avenue thru 14th Avenue between Gulf Way and Pass A Grille Way;

17th Avenue thru 20th Avenue between Gulf way and Pass A Grille Way;

22nd Avenue between Gulf Way and Pass A Grille Way;

25th Avenue between Sunset Way and Pass A Grille Way;

27th Avenue thru 30th Avenue between Sunset way and Pass A Grille Way;

~~37th Avenue between Gulf Blvd. and El Centro;~~

Sunset Way between 23rd Avenue and 24th Avenue;

Sunset Way between 28th Avenue and 30th Avenue;

1st Avenue West between 31st Avenue and 32nd Avenue;

32nd Avenue between Sunset Way and the beach;

~~Casablanca Avenue at Cabrillo Avenue;~~

~~West Maritana Drive between Alahambra Street and South Maritana Drive;~~

~~South Maritana Drive between West Maritana Drive and Granada Street;~~

~~Alahambra Street between West Maritana and West Debazen Avenue;~~

~~West Debazen Avenue between East Debazen and South Maritana;~~

~~Debazen Avenue between Casablanca and Alahambra Street;~~

~~East Debazen between Alahambra Street and South Debazen Avenue;~~

~~Alfanzo Street between West Maritana Drive and West Debazen Avenue;~~

~~Granada Street between East Debazen Avenue and East Maritana Drive;~~

~~Barcelona Street between Debazen Avenue and East Maritana Drive;~~

~~Beach Plaza between 70th Avenue and 71st Avenue; and~~

~~Pass-A-Grille Way between 7th Avenue and 3rd Avenue;~~

~~18 parking spaces on the west side of Beach Plaza between 70th Avenue and 71st Avenue.~~

- (b) The following city streets shall require a "D" permit for parking from 8:00 a.m. to 8:00 p.m. every day on each side of the street, as designated on the city parking maps:

2nd Avenue to 5th Avenue;

Sunset Way between 24th Avenue and 25th Avenue;

Sunset Way between 22nd Avenue and 23rd Avenue;

32nd Avenue between 1st Street West and the beach; and

One parking space on the west side of Casablanca Avenue at Cabrillo Avenue.

- (c) The following city streets shall require a "D" permit for parking at any time every day on one side of the street, as designated on the city parking maps:

10th Avenue between Gulf Way and the alley before Pass-A-Grille Way;

11th Avenue between Gulf Way and Pass-A-Grille Way;

21st Avenue between Gulf Way and Pass-A-Grille Way;

23rd Avenue between Sunset Way and Pass-A-Grille Way; and

4 parking spaces on the south side of West Maritana Drive east of Casablanca Avenue;

36th Avenue between Gulf Boulevard and East Maritana Drive;

Casablanca Avenue between 37th Avenue and Pinellas Bayway;

East Maritana Drive between 37th Avenue and Pinellas Bayway.

- (d) The following city streets shall require a "D" permit for parking at any time every day on each side of the street, as designated on the city parking maps:

6th Avenue between Gulf Way and Pass-A-Grille Way; and

7th Avenue between Gulf Way and Pass-A-Grille Way.

- (e) The following city streets shall require a "B" permit for parking at any time every day on each side of the street, as designated on the city parking maps:

42nd Avenue between Belle Vista Drive and Poinsettia Drive; and

43rd Avenue between Belle Vista Drive and Moody Street.

- (f) The following city streets shall require a "B" permit for parking from 8:00 a.m. to 8:00 p.m. every day on one side of the street, as designated on the city parking maps:

18 parking spaces on the west side of Beach Plaza between 70th Avenue and 71st Avenue.

- (g) The following city streets shall require an "E" permit for parking from 8:00 a.m. to 8:00 p.m. every day on one side of the street, as designated on the city parking maps:

67th Avenue between Beach Plaza and Sunset Way; and

70th Avenue between Gulf Boulevard and Sunset Way; and

18 parking spaces on the west side of Beach Plaza between 70th Avenue and 71st Avenue.

- (h) The following city streets shall require an "E" permit for parking from 8:00 a.m. to 8:00 p.m. every day on each side of the street, as designated on the city parking maps:

68th Avenue to 70th Avenue between Beach Plaza and Sunset Way.

Beach Plaza between 70th Avenue and 71st Avenue

- (i) Parking in the locations designated on the following city streets shall be limited to thirty (30) minutes, as designated on the city parking maps:

3 parking spaces on the west side Pass-A-Grille Way south from 9th Avenue;

3 parking spaces on the north side of 10th Avenue west from Pass-A-Grille Way;

1 parking space on the east side of the 800 block of Gulf Way;

1 parking space on the east side of 1300 block of Gulf Way;

1 parking space on the south side of 26th Avenue west of Pass-A-Grille Way;

3 parking spaces on the north side of 32nd Avenue west of Pass-A-Grille Way; and the north side of the Don Vista Center.

- (j) Parking on each side of the following city street shall be limited to two (2) hours, between the hours of 8:00 a.m. and 6:00 p.m. every day, as designated on the city parking maps:

8th Avenue between Gulf Way and Pass-A-Grille Way. Vehicles displaying a valid "D" Permit are exempt from the limit of two hours.

- (k) Parking in the main Don Vista Center parking lot shall be prohibited unless an event is scheduled by the City at the Don Vista Center.

- (l) Parking on the west side of Gulf Way between 9th Avenue and 10th Avenue shall be limited to employees of the public concession stand at the beach.

- (m) Parking on one side of the following city streets shall be prohibited at any time, as designated on the city parking maps:

1st Avenue between Gulf Way and Pass-A-Grille Way;

10th Avenue to 22nd Avenue between Gulf Way and Pass-A-Grille Way;

23rd Avenue to 30th Avenue between Sunset Way and Pass-A-Grille Way;

32nd Avenue between 1st Street West and Pass-A-Grille Way;

El Centro at the Don Vista Center;

West Maritana Drive between Alahambra Street and South Maritana Drive;

South Maritana Drive between West Maritana Drive and Granada Street;

Alahambra Street between West Maritana and West Debazen Avenue;

West Debazen Avenue between East Debazen and South Maritana;

Debazen Avenue between Casablanca and Alahambra Street;

East Debazen between Alahambra Street and South Debazen Avenue;

Alfonzo Street between West Maritana Drive and West Debazen Avenue;

Granada Street between East Debazen Avenue and East Maritana Drive;

Barcelona Street between Debazen Avenue and East Maritana Drive;

Casablanca Avenue between 37th Avenue and Pinellas Bayway;

East Maritana Drive between 37th Avenue and Pinellas Bayway;

Belle Vista Drive between 41st Avenue and Belle Vista Drive East;

~~Lido Drive between 1st Street East and Plaza Way;~~

36th Avenue between El Centro and East Maritana Drive;

41st Avenue between Belle Vista Drive and Poinsettia Drive;

46th Avenue between Gulf Boulevard and the east end of Lido Park;

49th Avenue;

51st Avenue between Gulf Boulevard and the beach;

51st Avenue between Gulf Boulevard and the east end;

55th Avenue between Aloha Drive and Leilani Drive;

Boca Ciega Isle Drive at the entrance;

58th Avenue between Gulf Boulevard and 2nd Street East;

64th Avenue between Gulf Winds Drive and 430 64th Avenue;

Gulf Winds Drive between 2nd St. East and 71st Avenue;

64th Avenue to 73rd Avenue between Sunset Way and Gulf Boulevard;
 Sunset Way between 23rd Avenue and 24th Avenue;
 Sunset Way between 25th Avenue and 26th Avenue;
 Sunset Way between 29th Avenue and 30th Avenue;
 Sunset Way between 64th Avenue and 67th Avenue;
 1st Street West between 31st Avenue and 32nd Avenue;
 Casablanca Avenue between 37th Avenue and Cabrillo Avenue;
 78th Avenue to 87th Avenue between Blind Pass Road and Boca Ciega Drive; and Corey Circle.

- (n) Parking on each side of the following city streets shall be prohibited at any time, as designated on the city parking maps:

Pass-A-Grille Way between 13th Avenue and 32nd Avenue;
 14th Avenue to 20th Avenue between Pass-A-Grille Way and the east end;
 30th Avenue between Sunset Way and the beach;
 31st Avenue between Sunset Way and Pass-A-Grille Way;
 2nd Street West;
 Cabrillo Avenue;
 West Maritana Drive between Casablanca Avenue and Alahambra Street;
 Belle Vista Drive between 44th Avenue and 41st Avenue;
 37th Avenue between Gulf Blvd. and east Maritana;
 44th Avenue between Gulf Boulevard and Moody Street;
 45th Avenue between Gulf Boulevard and 2nd Street East;
Lido Drive between 1st Street East and 2nd Street East
 Punta Vista Drive;
 Boca Ciega Isle Drive between Plaza Way and 520 Boca Ciega Isle Drive;
 52nd Avenue between Gulf Boulevard and the beach;
 55th Avenue between Gulf Boulevard and Aloha Drive;
 Aloha Drive;
 59th Avenue between Gulf Boulevard and Bimini Way;
 Gulf Winds Drive between 2nd St. East and Gulf Blvd.;
 64th Avenue between 1st Palm Point Street and 425 64th Avenue;
 64th Avenue between Gulf Blvd. and Gulf Winds Drive;

67th Avenue between Gulf Blvd. and Gulf Winds Drive;

Sunset Way between 70th Avenue and 71st Avenue;

1st Street East between Lido Drive and 45th Avenue;

2nd St. East between Lido Drive and 45th Avenue;

2nd St. East between 60th Avenue and Gulf Winds Drive.

- (o) Parking on one side of the following city streets shall be limited to the time for which payment of the parking fee has been made, between the hours of 8:00 a.m. and 8:00 p.m. every day, as designated on the city parking maps:

Pass-A-Grille Way between 1st Avenue and 7th Avenue;

Casablanca Avenue between Pinellas Bayway and Cabrillo Avenue;

51st Avenue between Gulf Boulevard and the beach;

67th Avenue between Beach Plaza and Sunset Way;

Sunset Way between 68th Avenue and 70th Avenue;

Gulf Winds Drive between 64th Avenue and 2nd St. East;

64th Avenue between Gulf Blvd. and Sunset Way;

Sunset Way between 64th Avenue and 66th Avenue;

66th Avenue between Gulf Blvd. and Sunset Way.

- (p) Parking on each side of the following city streets shall be limited to the time for which payment of the parking fee has been made, between the hours of 8:00 a.m. and 8:00 p.m. every day, as designated on the city parking maps:

Gulf Way;

Pass-A-Grille Way between 7th Avenue and 12th Avenue unless otherwise posted; and

Beach Plaza between 67th Avenue and 70th Avenue.

- (q) Parking on the north side of 10th Avenue between Gulf Way and Pass-A-Grille Way shall require a "D" permit for parking at any time every day, or shall be limited to patrons of the museum, unless otherwise posted, as designated on the city parking maps.

- (r) Parking on the following city streets and parking lots shall be limited as hereafter designated, as shown on the city parking maps:

Lazarillo Park-Parking shall be for park users only;

Lido Park-45th Avenue Lot-Parking shall be for park users only;

Lido Park-46th Avenue Lot-Parking shall be for park users only, with the exception of four parking spaces designated "B" Permit Required from 8:00 a.m. to 8:00 p.m.;

Don Boat Ramp-"D" Permit or "B" Permit required with attached boat trailer, or any vehicle with attached boat trailer subject to payment of designated parking fee from 8:00 a.m. to 8:00 p.m.;

County Park-Parking is subject to payment of designated parking fee at any time.

44th Avenue Parking Lot-Five parking spaces designated "B", "D", or "E" Permit required; Two parking spaces designated "B" Permit Required "3" hour limit; One parking space designated "3" hour limit.

Ron McKenney Park-Parking shall be for park users only;

Sunset Park - "B" Permit required from 8:00 a.m. to 8:00 p.m. on the waterfront side;

Egan Park/Captiva Circle

North side: No parking

East side: Two waterfront parking spaces designated "Car parking only 24 hour limit"; 16 waterfront parking spaces designated "Vehicle with attached boat trailer only" and subject to payment of designated parking fee at anytime. Parking fee and vehicle with boat trailer attached restriction waived during adult softball games for the six southernmost waterfront spaces.

South Side-East end of Captiva Circle: Four parking spaces designated "No vehicle with boat trailer attached parking at anytime." South Side of Captiva Circle-Designated "No Parking Anytime."

Egan Park gravel parking lot-"B" permit required for Vehicle with attached boat trailer."

Don Vista Parking Lot

South side: Don Vista parking only, and

North side: 15 spaces, Don Vista parking only.

- (s) Parking in the locations designated on the following city streets shall be limited to 15 minutes, as designated on the city parking maps:

Corey Avenue parking spaces directly in front of the Post Office.

- (t) The following city streets shall require a "B" permit for parking from 9:00 a.m. to 5:00 p.m. Saturdays, Sundays and holidays on one side of the street, as designated on the city parking maps:

Gulf Winds Drive between 64th Avenue and Bay St;

64th Avenue between Gulf Winds Drive and First Palm Point.

- (u) The following city streets shall require a "B" permit for parking from 9:00 a.m. to 9:00 p.m. Saturdays, Sundays and holidays on each side of the street, as designated on the city parking maps:

64th Avenue between 425 64th Avenue and the east end of 64th Avenue;

67th Avenue between Gulf Winds Drive and Bay St;

Bay St. between Gulf Winds Drive and 64th Avenue;

First through Fourth Palm Points Streets.

- (v) The following city streets shall require a "C" permit for parking at any time every day on one side of the street, as designated on the city parking maps:

East Maritana Drive between 37th Avenue and Pinellas Bayway;

Casablanca Avenue between 37th Avenue and Pinellas Bayway;

Casablanca Avenue at Cbrillo Avenue; and

36th Avenue between Gulf Blvd. and East Maritana Drive;
37th Avenue between Gulf Blvd. and El Centro;
Alhambra South Maritana Drive between West Maritana Drive and Granada Street;
Alhambra Street between West Maritana and West Debazan Avenue;
West Debazan Avenue between East Debazan and South Maritana;
Debazan Avenue between Casablanca and Alhambra Street;
East Debazan between Alhambra Street and Sout Debazan Avenue;
Alfonzo Street between West Maritana Drive and West Debazan Avenue;
Granada Street between East Debazan Avenue and East Maritana Drive;
Barcelona Street between Debazan Avenue and Est Maritana Drive.

(Ord. No. 07-18, § 1, 6-12-07; Ord. No. 07-35, §§ 1—8, 10-23-07; Ord. No. 08-43, §§ 1—3, 12-16-08; Ord. No. 09-08, §§ 1, 2, 5-26-09; Ord. No. 10-07, §§ 1—5, 5-25-10; Ord. No. 10-19, §§ 1—3, 7-27-10; Ord. No. 11-02, § 1, 1-25-11; Ord. No. 11-11, § 1, 4-26-11; Ord. No. 12-07, §§ 1—7, 5-22-12; Ord. No. 12-09, § 1, 6-26-12; Ord. No. 14-03, § 1, 4-22-14; Ord. 14-07, §§ 1—4, 9-10-14; Ord. No. 15-03, § 11, 5-26-15)

Secs. 82-138—82-165. - Reserved.

DIVISION 2. - ENFORCEMENT

Sec. 82-166. - Separate offenses for overtime or prohibited parking.

Any overtime parking or parking prohibited violation shall constitute a separate offense for every two hours that the motor vehicle remains in violation of such parking regulation. Any officer may ticket a motor vehicle parked in violation of this article or other city parking ordinances for each successive two-hour violation.

(Code 1960, § 24-28(d); Ord. No. 216, § 4; Ord. No. 275, § 1; Ord. No. 399, § 2; Code 1983, § 21-24)

Sec. 82-167. - Notice on illegally parked vehicle.

- (a) Whenever any motor vehicle without driver is found parked, stopped or standing in violation of any of the restrictions imposed by ordinance, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user. The officer shall conspicuously affix to such vehicle a traffic citation or notice in writing for the driver to answer the charge within such time specified on the traffic citation or notice and at such place as designated on the traffic citation or notice.
- (b) Any person issued a parking ticket by an officer shall be deemed to be charged with a noncriminal violation and shall comply with the directions on the ticket. A civil penalty in the amount set forth in section 82-171 of this chapter shall be imposed against the person issued the ticket. If payment is not received or a response to the ticket is not made within the time period specified on the ticket, 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 ticket. Mailing the notice to this address shall constitute notification. Upon notification, the registered owner shall comply with the city's directive. Any person who fails to satisfy the city's directive shall be deemed to waive the right to pay the applicable civil penalty. Notwithstanding the foregoing, the city may take any action deemed necessary to collect any outstanding civil penalties against any person, in any manner allowed by law. The city manager or his/her designee may dismiss parking citations under certain extenuating circumstances. These circumstances may include, but are not limited to, an improperly displayed permit or meter receipt when a valid permit or receipt is later produced, disabled vehicle, verified official city business, ambulance transport, Sheriff's department undercover vehicles, utility service providers, or verified meter malfunction.

- (c) Any person who elects to appear before a designated official to present evidence shall be deemed to have waived his right to pay the civil penalty provisions of the ticket. The official, 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 plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court shall be deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the fine.

(Code 1960, §§ 24-28(c), 24-29; Ord. No. 216, §§ 4, 5; Ord. No. 275, § 1; Ord. No. 399, § 2; Ord. No. 80-35, § 1; Code 1983, § 21-25; Ord. No. 85-25, § 1, 5-7-85; Ord. No. 2004-27, § 1, 11-23-04)

State Law reference— Parking tickets, F.S. §§ 316.1967, 316.650.

Sec. 82-168. - Evidentiary presumption.

- (a) In any prosecution charging a violation of any section of this article or any ordinance governing the stopping, standing, parking or operating of a vehicle, proof that the particular vehicle described in the complaint was parked or operated in violation of any such ordinance or regulation, together with proof that the defendant named in the complaint was at the time of such parking or operating the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who stopped, stood, parked or operated such vehicle at the point where and for the time during which such violation occurred.
- (b) The owner of a vehicle is responsible and liable for payment of any parking ticket violation 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 ticket violation and shall raise the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation. The owner of a vehicle is not responsible for a parking ticket 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.

(Code 1960, § 24-30; Ord. No. 216, § 6; Code 1983, § 21-26)

State Law reference— Similar provisions, F.S. § 316.1967(1).

Sec. 82-169. - Parking violation hearings.

- (a) A hearing may be requested by the person receiving a citation under this division of the cited vehicle's registered owner for the purpose of presenting evidence before a traffic hearing officer concerning an alleged parking violation. Any person requesting a hearing shall execute a statement on a form prepared by the city indicating his or her willingness to appear at such hearing at a time and place specified thereon. If a hearing is not requested, in writing, within 15 days of the issuance of the citation, the right to a hearing shall be deemed waived and no further hearing on the violation shall be required. The city commission shall designate one or more hearing officers from time to time to conduct hearings as provided herein. Said hearing officers shall be attorneys, members in good standing of the Florida Bar and shall have been practicing law in the State of Florida for at least five years.
- (b) All hearings under this section shall be conducted insofar as practical in accordance with the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner. All irrelevant, immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding, unless it would be admissible over objection in civil actions. Any interested party or person may make application and upon good cause shown may be allowed by the hearing officer, in the reasonable exercise of such officer's discretion, to intervene in a pending proceeding. At the conclusion of the hearing, the hearing officer may dismiss the citation or issue an appropriate fine in accordance with this division. All orders shall be in writing and shall be signed and dated by the hearing officer. Such fine may be collected by the city in any manner allowable by law. An order of the hearing officer may be appealed by any party receiving an adverse ruling by filing a petition for writ of certiorari in the circuit court within 30 calendar days from the date the order was issued.

(Code 1960, § 24-31; Ord. No. 216, § 7; Code 1983, § 21-28; Ord. No. 04-27, § 2, 11-23-04)

Sec. 82-170. - Notice of excessive parking violations to state.

The clerk of the court or the traffic violations bureau shall supply the state department of highway safety and motor vehicles with a magnetically encoded computer tape reel or cartridge or send by other electronic means 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 F.S. § 316.1955 or F.S. § 316.1956. The state department of highway safety and motor vehicles shall mark the appropriate registration records of persons so reported. The provisions of F.S. § 320.03(8) shall apply to each person whose name appears on such list.

State Law reference— Authority to adopt, F.S. § 316.1967(6).

Sec. 82-171. - Fines for violations.

The following fines shall be charged for certain parking violations:

		After 15 days
(1) Overtime parking	\$30.00	\$45.00

(2) Improper parking	\$30.00	\$45.00
(3) Double parking	\$40.00	\$55.00
(4) No parking zone	\$30.00	\$45.00
(5) Motor running, unattended	\$30.00	\$45.00
(6) Keys in ignition	\$30.00	\$45.00
(7) Other	\$30.00	\$45.00
(8) Parking for space reserved for disabled persons:	\$255.00	\$270.00
(9) Parking in front of fire hydrant:	\$100.00	\$115.00
(10) Parking on streets or lots restricted to specific permit parking:	\$40.00	\$55.00

(Code 1960, § 24-28.1; Ord. No. 409, § 1; Ord. No. 82-43, § 1; Code 1983, § 21-27; Ord. No. 84-41, § 1, 9-5-84; Ord. No. 84-59, § 1, 12-4-84; Ord. No. 85-35, § 1, 8-6-85; Ord. No. 86-14, § 1, 6-3-86; Ord. No. 86-49, § 1, 10-21-86; Ord. No. 99-45, § 1, 8-17-99; Ord. No. 01-40, § 1, 11-20-01; Ord. No. 09-27, § 1, 10-27-09; Ord. No. 11-27, § 1, 9-27-11)

State Law reference— Parking in space reserved for disabled person, F.S. §§ 316.1955, 316.1956.

Secs. 82-172—82-200. - Reserved.

DIVISION 3. - METERED PARKING

Sec. 82-201. - Time limits.

When parking meters are erected on any public thoroughfare giving notice thereof, no person shall stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by the parking meters upon the deposit of a coin of United States currency of the designated denomination.

(Code 1960, § 24-27; Ord. No. 216, § 3; Code 1983, § 21-41(a); Ord. No. 85-47, § 1, 9-17-85)

Sec. 82-202. – “B” parking decals.

- (a) "B" parking decals, exempting the holder from parking meter fees, may be issued to the following persons:
 - (1) Any resident of the city, as defined in Sec. 82-1, or nonresident owning property within the city may purchase a parking decal for a fee established by resolution of the city commission and listed in appendix A to this Code.
 - ~~(2) Any nonresident of the city may purchase a parking decal for a fee established by resolution of the city commission and listed in appendix A to this Code.~~
 - (32) City employees, board members and volunteers shall be provided with one free parking decal for their personal use by the city manager. Non-resident city employees may purchase one additional decal at the resident rate.
- (b) Not more than two parking decals shall be issued per dwelling, as defined in Sec. 82-1, for any class of persons described in subsection (a) of this section. Decals shall not be transferrable.
- (c) Parking decals shall be valid from January 1 through December 31 of each year. The purchase price of a parking decal shall not be prorated or reduced if the parking decal is purchased after January 1.
- (d) The city manager shall establish rules and regulations regarding the use of parking decals.
- (e) Each owner and full-time or part-time employee of on-premise businesses located on a street south of 31st Avenue or located on Beach Plaza shall be permitted to purchase one (1) parking decal with valid proof of employment or ownership in a form listed in Sec. 82-2.

(Ord. No. 82-32, §§ 1—4; Ord. No. 83-15; Code 1983, § 21-43; Ord. No. 85-60, § 1, 12-3-85; Ord. No. 95-42, § 1, 10-17-95; Ord. No. 03-05, § 1, 2-18-03)

State Law reference— User fee authorized, F.S. § 166.201.

Sec. 82-203. - Parking permits.

- (a) Gulf Way and Eighth Avenue. "A" hang tag permits may be issued for Gulf Way and Eighth Avenue as follows:
 - (1) Each owner of real property legally used as a residence or lodging in Pass-a-Grille, which abuts a street upon which the city has installed parking meters along the frontage of that real property or Eighth Avenue is entitled to purchase a permit exempting the holder thereof from the payment of parking meter fees anywhere within the Pass-a-Grille area.
 - (2) Incorporated by reference in this subsection is exhibit B to this section, which is on file in the city clerk's office, which is a survey of "permits needed" for houses and apartments having street addresses on Gulf Way from First Avenue to 22nd Avenue and Eighth Avenue. Each owner of real property as set forth in exhibit B shall be entitled to purchase, at a cost established by resolution of the city and listed in appendix A to this Code, the following:
 - a. A number of permits equal to one-half of the number of the indicated "permits needed" per house or apartment.
 - b. Additional permits up to the total number of units.
 - c. If a street address has only one unit, a permit may be purchased for that unit.
 - d. Notwithstanding the provisions of exhibit B as cited above, each property on Gulf Way is entitled to a minimum of two permits.

- (3) Each property that qualifies under this subsection shall be authorized to receive as many permits as are necessary to meet the off-street parking requirements required by Division 23 of the Land Development Code.
- (4) These permits shall be controlled in such a way to restrict their use only to the property owners and bona fide guests residing on the property subject to receipt of the permits.
- (5) Permits shall be valid for the period from January 1 through December 31 of each year or any part thereof. Permits shall be renewed annually, and the city official administering this subsection shall maintain books and records on the collection of fees and issuance of permits.
- (6) Only vehicles displaying a permit obtained under this subsection shall be exempt from parking meter fees in the areas designated by this subsection. Vehicles displaying the permits issued under this subsection shall be entitled to park without payment of meter fees at parking metered spaces within Pass-a-Grille only.
- (7) The city may adopt reasonable rules and regulations necessary for the administration and enforcement of this subsection and may amend the survey referred to in subsection (a)(2) of this section from time to time as may be necessary or appropriate.

- (b) Vehicles utilized by persons attending services at the Pass-a-Grille Community Church shall be exempt from parking meter fees on 16th Avenue in Pass-a-Grille on Sundays between the hours of 7:00 a.m. and 1:00 p.m., and at such other times as specifically authorized by the city manager.

The Pass-a-Grille Community Church may also purchase temporary "B" hang tags at the cost of \$2.00 per permit. These permits shall exempt persons attending services at the Pass-a-Grille Community Church from parking fees at meters on Sundays between the hours of 7:00 a.m. and 1:00 p.m.

Permits shall be valid for the period from January 1 through December 31 of each year or any part thereof. Only vehicles displaying a permit obtained under this subsection shall be exempt from parking meter fees at metered spaces and shall be valid at parking meters between First Avenue and Twenty-First Avenue.

- (c) "B" Hang Tag Permits for watersport businesses at Merry Pier. Operators of commercial watersports business, who possess a current and valid occupational license for such business at the Merry Pier, may purchase one-day parking permits from the city for resale at the same price to their legitimate customers. The cost of the permits shall be established by resolution of the city commission and is listed in appendix A to this Code. Proper display of such permit will only exempt the permit holder from payment of parking meter fees in Pass-a-Grille when engaged in a commercial watersport through a vendor at the Merry Pier for the date which appears on the face of the permit. The parking permit must be properly displayed.
- (d) "E" Hang Tag Permits for Gulfwinds Condominium, Friendly Native Condominium and Ramar Apartments and Starlight Towers Condominium. Parking permits for Gulfwinds Condominium, Friendly Native Condominium, Ramar Apartments and Starlight Towers Condominium shall be obtained as follows:

- (1) Issuance of permits shall be subject to the following:
 - a. The record title owner of a condominium unit at the Gulfwinds Condominium or Friendly Native Condominium or the lessee under written lease with a term of not less than one year for a unit at the Gulfwinds Condominium, Friendly Native Condominium, Ramar Apartments, or Starlite Towers Condominium may purchase one permit per each bedroom of the unit exempting the holder thereof from the payment of parking meter fees within the Upham Beach Area and shall allow the holder to park within spaces marked "B permit parking only" anywhere within the Upham Beach area, defined as the following: 6700-6900 Sunset Way; 6700-7000 Beach Plaza; 67th, 68th, 69th & 70th Avenues.

- (2) The record title owner of a unit entitled to issuance of permits under this subsection may purchase permits at a cost established by resolution of the city commission and listed in appendix A to this Code.
 - (3) The holder of a permit shall allow it to be used only by himself or by his bona fide guests.
 - (4) Permits shall be valid for the period from January 1 through December 31 of each year. The purchase price shall not be prorated.
 - (5) The city may adopt reasonable rules and regulations deemed necessary for the administration and the enforcement of this subsection.
 - (6) The parking spaces which are marked 'B permit parking only' shall be restricted to the use by appropriate holders of the permits issued under this subsection between the hours of 8:00 a.m. and 8:00 p.m. every day.
 - (7) Any person who violates this subsection shall be penalized pursuant to section 1-14 relating to violations of city ordinances and relating to violations of persons illegally parked. Additionally, vehicles improperly parked may be towed and stored at the expense of the owner.
- (e) "B" Hang Tag Permits for Pass-a-Grille businesses: Business owners with valid occupational licenses in the Pass-a-Grille area will be permitted to purchase two hang tag permits per year. These permits will be used by patrons of the businesses only during actual business hours. Fees for such permits are provided for in Appendix A Fee Schedule.

(Code 1960, § 2-27.1; Ord. No. 427, §§ 1—4; Code 1983, § 21-44; Ord. No. 84-38, §§ 1—3, 9-18-84; Ord. No. 85-3, §§ 1—3, 2-5-85; Ord. No. 85-18, §§ 1—3, 4-16-85; Ord. No. 85-41, § 1, 8-20-85; Ord. No. 85-58, § 1, 12-3-85; Ord. No. 86-3, § 1, 3-4-86; Ord. No. 86-17, § 1, 6-17-86; Ord. No. 86-32, § 1, 8-19-86; Ord. No. 87-6, § 1, 3-3-87; Ord. No. 88-28, § 1, 7-19-88; Ord. No. 90-23, § 1, 9-18-90; Ord. No. 91-14, § 1, 6-4-91; Ord. No. 94-36, § 1, 9-6-94; Ord. No. 97-24, § 1, 9-16-97; Ord. No. 03-05, § 2, 2-18-03; Ord. No. 09-28, § 1, 10-27-09)

State Law reference— User fees authorized, F.S. § 166.201.

Sec. 82-204. - Waiver on Gulf Way and west side of Beach Plaza.

The city manager is authorized to waive the prohibition against parking at meters between 9:00 p.m. and 7:00 a.m. along Gulf Way and the west side of Beach Plaza when the city manager determines that such waiver is necessary to carry out a nonprofit civic or charitable event.

(Code 1983, § 21-45; Ord. No. 85-38, § 1, 8-20-85)

Sec. 82-205. - Rates generally.

Parking meter rates charged at all city parking meters shall be established by resolution of the city commission and are listed in appendix A to this Code.

(Code 1960, § 24-26; Ord. No. 80-36, § 2; Code 1983, § 21-42; Ord. No. 85-19, § 1, 5-7-85; Ord. No. 90-23, § 1, 9-18-90)

State Law reference— User fees authorized. F.S. § 166.201; exemption for certain vehicles transporting handicapped persons, F.S. § 316.1964.

Sec. 82-206. - Use of U.S. coins; damaging meters.

It is unlawful for any person to deposit or attempt to deposit in any parking meter anything other than a lawful coin of the United States or any coin that is bent, cut, torn, battered or otherwise misshaped. It is unlawful for any unauthorized person to remove, deface, tamper with, open, willfully break, destroy or damage any parking meter, and no person shall willfully manipulate any parking meter in such a manner that the indicator will fail to show the correct amount of unexpired time before a violation.

(Code 1960, § 24-27; Ord. No. 216, § 3; Code 1983, § 21-41(c); Ord. No. 85-47, § 1, 9-17-85)

Sec. 82-207. - Manner of parking vehicle.

Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted and with the front end of such vehicle immediately opposite the parking meter for such space.

(Code 1960, § 24-27; Ord. No. 216, § 3; Code 1983, § 21-41(b); Ord. No. 85-47, § 1, 9-17-85)

Sec. 82-208. - Free parking for special events.

The city commission may, by resolution, allow free parking at any or all of the metered parking spaces during special events or special occasions. The allowing of free parking for one special event or special occasion shall not constitute precedence for allowing free parking at any other time or for any other reason.

(Code 1960, § 24-27; Ord. No. 216, § 3; Code 1983, § 21-41(d); Ord. No. 85-47, § 1, 9-17-85)

Secs. 82-209—82-235. - Reserved.

DIVISION 4. - RESIDENTIAL PARKING PERMITS

(Code 1983, § 21-47; Ord. No. 84-44, § 2, 9-5-84; Ord. No. 95-41, § 1, 10-17-95)

Sec. 82-237. - Findings of fact; declaration of public interest.

The city commission finds and declares that:

- (1) It is in the best interests of the residents of the city to reduce vehicular congestion on residential streets and to facilitate the efficient movement of traffic by providing for residential parking preference during certain hours of the day, within certain areas of the city which meet the criteria set forth in this division;
- (2) Residential permit parking regulation is necessary to promote the health, safety and welfare of the residents of the city by providing adequate parking spaces adjacent to or close by the places of residence of such residents;
- (3) It is in the public interest to:

- a. Reduce hazardous traffic conditions resulting from the use of streets located within congested residential areas for the parking of vehicles by persons using such residential areas to gain access primarily to the sand beaches, but also to other places;
- b. Protect those areas from excessive noise;
- c. Protect the residents of those areas from unreasonable burdens in gaining access to their residences;
- d. Preserve the character of those areas as residential districts;
- e. Promote efficiency in the maintenance of these streets in a clean and safe condition;
- f. Preserve the value of the property in those areas;
- g. Preserve the safety of children and other pedestrians; and
- h. Promote traffic safety, clean air and the comfort, health, convenience and welfare of the inhabitants of the city.

(Code 1983, § 21-46; Ord. No. 84-44, § 1, 9-5-84)

Sec. 82-238. - Penalties.

Whoever violates this division shall be penalized pursuant to section 1-14 relating to violation of city ordinances, and persons illegally parked pursuant this division shall be fined in the manner provided in this chapter for illegal parking and their vehicles may be towed and stored at the owner's expense.

(Code 1983, § 21-53; Ord. No. 84-44, § 8, 9-5-84)

Sec. 82-239. - Designation of controlled parking residential areas.

The city manager is authorized to designate "controlled parking residential areas" by appropriate signs and the recording thereof on an appropriate city map or plat in which the parking of vehicles may be restricted on public streets at certain times during the day only to vehicles bearing a valid residential parking permit issued pursuant to this division. This authority shall be in addition to any other authority of the city to regulate the times and conditions of motor vehicles parking on public streets.

(Code 1983, § 21-48; Ord. No. 84-44, § 3, 9-5-84)

Sec. 82-240. - Eligibility and criteria for establishment of controlled parking residential areas.

- (a) A residentially zoned area shall be deemed eligible for designation as a controlled parking residential area for residential permit parking if parking therein is impacted by commuter vehicles during any hours of any day.
- (b) The following objective criteria are established to be used in evaluating the need for restricted parking in a residentially zoned area in accordance with this section. For an area, however big or small, to be eligible for residential permit parking, that area must meet the following criteria:
 - (1) During any period of the day, the number of vehicles legally or illegally parked or standing on the streets in the area is equal to 50 percent or more of the legal on-street parking capacity of the area. For purposes of this criterion, a legal parking space shall be 20 linear feet, measured parallel to the curb or pavement edge.
 - (2) During the same period as in subsection (b)(1) of this section, 25 percent or more of the vehicles parking or standing on the streets in the area are not registered in the name of persons residing in the area. For purposes of this criterion, the latest available information from the state

department of highway safety and motor vehicles regarding registration of motor vehicles shall be used.

- (3) In determining whether an area identified as impacted and eligible for residential permit parking shall be designated as a controlled parking residential area, the following factors shall be considered:
- a. The local needs with respect to clean air and environment in residential areas.
 - b. The possibility of a reduction in total vehicle miles driven in the city.
 - c. The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards.
 - d. The proximity of public transportation to the residential area.
 - e. The desire and need of the residents for residential permit parking.
 - f. The need for parking regulation to maintain the residential character of the neighborhoods.

(Code 1983, § 21-49; Ord. No. 84-44, § 4, 9-5-84; Ord. No. 91-10, § 1, 5-7-91)

Sec. 82-241. - Procedure for determining controlled parking residential areas.

- (a) In order to determine whether a particular area should be designated as a controlled parking residential area, the city commission can request or the city manager may conduct, upon his own initiative or upon a petition of a majority of the households on a proposed residential block addressed to the city manager, a study to determine if the proposed area meets the criteria set forth in section 82-240. Following the study, the city manager shall determine whether to designate the proposed area under consideration as a controlled parking residential area or to remove the designation of a previously established controlled parking residential area. The city commission may also request the city manager to designate an area as a controlled parking residential area based upon a study previously conducted, if the criteria set forth in section 82-240 are met.
- (b) If the city manager finds the criteria to designate have been met in a controlled parking residential area during the hours between 9:00 a.m. and 5:00 p.m., he shall cause the regulation to be recorded upon an appropriate map of the city and retained permanently in the office of the city clerk. If the city manager finds the criteria to designate have been met in a controlled parking residential area between the hours of 5:00 p.m. and 9:00 a.m., the findings shall be submitted to the city commission for approval by resolution, and the city manager shall then cause the regulation to be recorded upon an appropriate map of the city and retained permanently in the office of the city clerk. In addition, the city manager shall cause parking signs to be erected upon public streets in the area, indicating the times, locations and conditions upon which parking shall be by permit only. When an area has been approved, designated and posted as a controlled parking residential area, it shall be unlawful and a violation of this section to park a vehicle in an area restricted to decal parking only, without having a valid residential parking permit displayed according to the administrative regulations.

(Code 1983, § 21-50; Ord. No. 84-44, § 5, 9-5-84; Ord. No. 85-59, § 1, 12-3-85; Ord. No. 91-10, § 1, 5-7-91)

Sec. 82-242. - Special parking permits.

- (a) Following the official designation of a controlled parking residential area, the city, through the Sheriff's department, shall issue appropriate residential parking permits. A permit shall be issued only to the owner or operator of a motor vehicle who resides in the controlled parking residential area.

(Code 1983, § 21-51; Ord. No. 84-44, § 6, 9-5-84; Ord. No. 87-23, § 1, 7-7-87)

Sec. 82-243. - Privileges and restrictions on permits.

- (a) The holder of a residential parking permit shall be permitted to stand or park a motor vehicle displaying the permit and operated by him in any designated residential controlled parking area during such times and places as the parking of motor vehicles therein is permitted. While a vehicle for which a residential parking permit has been issued is so parked, such permit shall be permanently affixed on the left rear bumper of the vehicle. A residential parking permit shall not guarantee or reserve to the holder of the permit a parking space within a designated controlled parking residential area.
- (b) A residential parking permit shall not authorize the holder to stand or park a motor vehicle in such places or during such times as the stopping, standing or parking of a motor vehicle is prohibited or set aside for specified types of vehicles, nor shall it exempt the holder from the observance of any traffic regulation within the controlled parking residential area.
- (c) No person, other than the permittee named on the permit, shall use the residential parking permit or display it on a vehicle operated or parked, and any such use or display by a person other than the permittee shall constitute a violation of this division by the permittee and by the person who so used or displayed such parking permit.
- (d) It shall constitute a violation of this division for any person to falsely represent himself as eligible for a residential parking permit or to furnish any false information to obtain a residential parking permit.
- (e) The city, is authorized to revoke the residential parking permit of any permittee found to be in violation of this division and, upon written notification thereof, the permittee shall surrender such permit to the city. Failure, when so requested, to surrender a residential parking permit so revoked shall constitute a violation of this division.
- (f) Any permit issued under this division is nontransferable to another person or another vehicle.
- (g) The city, is authorized to adopt rules for the issuance of temporary parking permits to bona fide visitors and commercial service vehicles of residents of a designated controlled parking residential area. The fee for a temporary parking permit shall be established by resolution of the city commission and is listed in appendix A to this Code.
- (h) The city shall be authorized to adopt all reasonable rules and regulations necessary for the enforcement and administration of this division, including rules and regulations providing for specific time and day parking restrictions.

(Code 1983, § 21-52; Ord. No. 84-44, § 7, 9-5-84)

Sec. 82-244. – “D” residential parking permits.

- (a) A controlled parking residential area is hereby established, to include the streets listed in Sec. 82-137, generally described as the residential side streets in Pass-a-Grille and the surrounding area.
 - (1) Any resident of the city, as defined in section 82-1, who resides on a "D" street as defined in subsections 82-137(a)—(d) and who has a vehicle registered in their name shall be allowed to purchase a "D" parking permit for those vehicles, in the form of a decal, for a fee established by resolution of the city commission and listed in appendix A to this Code.
 - (2) Each dwelling shall also be allowed to purchase two temporary “D” hang tags per month for their visitors, not to exceed 3 consecutive months.
 - (3) “D” hang tags shall be valid from the date of purchase to the same date of the next succeeding month, and shall not be purchased more than three months in advance. The date of purchase shall be plainly stamped on each permit.

- (4) "D" parking decals shall be valid from January 1 through December 31 of each year. The purchase price of a parking decal shall not be prorated or reduced if the parking decal is purchased after January 1.

Sec. 82-245. – "C" residential parking permits.

- (a) A controlled parking residential area is hereby established, to include the streets listed in Sec. 82-137(v), generally described as the residential side streets on East Maritana Drive and Casablanca Avenue between 37th Avenue and Pinellas Bayway, 37th Avenue west of Gulf Boulevard, El Centro Street from 37th Avenue to 35th Avenue, and the streets of Alhambra, Alfonso, Barcelona, Granada, East DeBazan, West DeBazan, South DeBazan, East Maritana, and South Maritana.

- (1) Any resident of the city, as defined in Sec. 82-1, who resides on and who has a vehicle registered to a "C" street as defined in Sec. 82-137(v) shall be allowed to purchase a "C" parking permit, in the form of a decal, for a fee established by resolution of the city commission and listed in appendix A to this Code.
- (2) "C" parking decals shall be valid from January 1 through December 31 of each year. The purchase price of a parking decal shall not be prorated or reduced if the parking decal is purchased after January 1.
- (3) Each dwelling shall also be allowed to purchase two temporary "C" hang tags per month for their visitors, not to exceed 3 consecutive months.
- (4) "C" hang tags shall be valid from the date of purchase to the same date of the next succeeding month, and shall not be purchased more than three months in advance. The date of purchase shall be plainly stamped on each permit.

Secs. 82-246—82-259. - Reserved.

DIVISION 5. - GENERAL PARKING PERMITS

Sec. 82-260. - Metered and non metered parking space permits.

The city manager shall be authorized to issue daily or monthly parking permits, which shall authorize the parking of a motor vehicle without the payment of meter fees at any city metered parking space except the "county beach access lot" or any non metered city parking space requiring the display of a "B" permit on the date(s) indicated on the permit. A "metered parking space" means any parking space for which payment is required by a parking meter or parking pay station. In order for the permit to be valid, it must be displayed prominently in the driver-side front window and be visible to the city enforcement officer. The fee for said permit shall be as provided in appendix A to this Code.

(Ord. No. 99-48, § 1, 9-7-99; Ord. No. 12-11, § 1, 7-24-12)

Editor's note— Ord. No. 12-11, § 1, adopted July 24, 2012, changed the title of § 82-260 from day parking permits to Metered and non metered parking space permits.

Secs. 82-261—82-270. - Reserved.

ARTICLE IV. - IMPOUNDMENT OF CERTAIN VEHICLES

Sec. 82-271. - Authorized.

- (a) Members of the Sheriff's department are authorized to remove a vehicle from the public property or a right-of-way to a place of impoundment maintained or contracted by the city when:
 - (1) Any illegally parked vehicle is left unattended and constitutes an obstruction to traffic or a hazard to the public.
 - (2) Any illegally parked vehicle constitutes an obstruction to traffic or a hazard to the public and the person in charge of the vehicle, being present, refuses or fails to reasonably correct the situation by safely moving or having the vehicle safely moved.
 - (3) Any vehicle is illegally parked in an area clearly posted "tow away zone" in such a way that it is clear that the penalty for illegal parking is towing and impoundment of the vehicle.
 - (4) A vehicle is found in unsafe condition or without current registration tag or license plate.
 - (5) Removal is necessary in the interest of public safety because of fire, flood, storm or other emergency.
 - (6) The operator of any vehicle is taken into custody by the Sheriff's department and such vehicle would thereby be left unattended.
 - (7) The person in charge of any vehicle is incapacitated to such an extent as to be unable to provide for its custody or removal.
 - (8) Any vehicle is wrecked, dismantled, or inoperative.
- (b) When any vehicle has been left continuously parked and unmoved for a period of seven days, it may be presumed that such vehicle is being stored on public property, provided that such vehicle does not bear a current vehicle registration and valid city parking permit, showing an address immediately adjacent to the location where the vehicle is parked. Such storage is prohibited, and the vehicle may be impounded. The Sheriff's department shall place a parking citation charging "vehicle stored on public property—will be impounded after 24 hours," on the vehicle for a period of 24 hours prior to actual impoundment.

(Code 1960, § 24-32(a); Ord. No. 216, § 8; Ord. No. 276, § 1; Ord. No. 398, § 1; Ord. No. 80-14, § 1; Ord. No. 83-37, § 1; Code 1983, § 21-56; Ord. No. 88-2, 2-2-88; Ord. No. 91-44, § 1, 1-7-92)

State Law reference— Similar provisions, F.S. § 316.194.

Sec. 82-272. - Notice.

- (a) Whenever an officer removes a vehicle as authorized in this article and the officer knows or is able to ascertain the name and address of the owner of the vehicle, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons

therefor and of the place to which such vehicle has been removed. If any such vehicle is stored in an authorized garage, a copy of such notice shall be given to the proprietor of such garage.

- (b) Whenever an officer removes a vehicle under this article, the officer shall within 24 hours send or cause to be sent a report of such removal by electronic communication to the department of highway safety and motor vehicles and shall notify the proprietor of any authorized garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

(Code 1960, § 24-33; Ord. No. 216, § 9; Code 1983, § 21-57)

Cross reference— Streets and sidewalks, ch. 74.

State Law reference— Reporting of unclaimed vehicles, F.S. § 715.05.

Sec. 82-273. - Fees.

There shall be levied a storage charge upon all motor vehicles impounded by the city and stored by the city on city-owned property. The fee shall be in an amount established by resolution of the city commission and listed in appendix A to this Code. In addition, a towing charge shall be levied on such vehicle.

(Code 1960, § 24-34(a); Ord. No. 268, § 1; Code 1983, § 21-58)

Sec. 82-274. - Release.

No vehicle impounded in an authorized garage as provided in this article shall be released therefrom until the charges for towing such vehicle into the garage and storage charges have been paid. The charge for towing or removal of any such vehicle and storage charges shall be fixed by the city commission. Such charges shall be based upon a computation of all actual expenses entering into the current cost of such services. Such charges shall be posted for public inspection in the traffic violations bureau and in any authorized garage.

(Code 1960, § 24-32(b); Ord. No. 216, § 8; Ord. No. 276, § 1; Ord. No. 398, § 1; Ord. No. 80-14, § 1; Code 1983, § 21-59)

Editor's note— The towing charge is established pursuant to a contract between the city and a private wrecker company.

Sec. 82-275. - Sale of impounded vehicles.

- (a) If the owner of a motor vehicle impounded pursuant to this article fails or refuses to pay the towing or storage charge within 30 days of making claim to such property, title to such property shall vest in the city. The city may, after giving public notice, hold an auction in front of a municipal building. The city shall sell the motor vehicle to the highest bidder and thereafter shall apply the proceeds of the sale toward the indebtedness due to the city.
- (b) The city shall be entitled to hold a public auction in order to sell the motor vehicle at any time after 90 days has passed from the date that the motor vehicle was first impounded and stored on city-owned property as provided in F.S. § 705.104.

(Code 1960, § 24-34; Ord. No. 268, §§ 2, 3; Code 1983, § 21-60; Ord. No. 85-23, § 1, 5-7-85)

State Law reference— Procedure for abandoned or lost property, F.S. §§ 705.103, 705.104.