

TAB 5

POINT PAPER

DISCUSSION REGARDING PARKING RESTRICTIONS DURING SPECIAL EVENTS

November 19, 2007

PROBLEM: City Ordinances currently do not allow for the ticketing of vehicles that park in “reserved” parking along 13th Avenue during the Manatee County Fair. For the past several years, these parking places have been marked by “employee parking only” signs, yet members of the Fair Board, Elected Officials, and City staff reporting for work purposes have often arrived to find these spots occupied by the general public.

It is necessary to amend our current ordinance in order to allow for and enforce “Parking By Permit Only” during special events in the City of Palmetto.

BACKGROUND:

ALTERNATIVES:

- 1) Adopt Ordinance #07-955..
- 2) Do not adopt Ordinance #07-955.

RECOMMENDATION: Option # 1 – Adopt Ordinance #07-955.

BUDGET IMPACT: None.

CITY OF PALMETTO
ORDINANCE NO. 07-955

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING CHAPTER 28, ARTICLE III OF THE CITY CODE OF ORDINANCES PERTAINING TO STOPPING, STANDING AND PARKING; PROVIDING THAT PARKING MAY BE RESTRICTED TO PERMIT HOLDERS; PROVIDING THAT THE OWNER OF A VEHICLE SHALL BE PRESUMED TO BE THE VIOLATOR; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, pursuant to the referenced provision of the Florida Constitution, the City may exercise any power for municipal purposes except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, within the above-referenced grant of powers, the City has the authority to regulate the stopping, standing and parking of motor vehicles within the City; and,

WHEREAS, the City Commission has identified a need to restrict parking in certain areas, during particular events, or at particular times of the year to permit holders; and

WHEREAS, the City Commission recognizes the need for efficiency in enforcing stopping, standing and parking regulations; and

WHEREAS, the City Commission has determined that adoption of this ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED, by the City Commission of the City of Palmetto, Florida, as follows:

Section 1. Findings of Fact. The above-referenced WHEREAS clauses are adopted herein as findings of fact.

Section 2. Revision Language. Chapter 28, Article III of the Code of Ordinances of the City of Palmetto, Florida, is hereby amended by revising section 28-51, which section shall read in its entirety as follows:

Sec. 28-51. Parking in violation of signs declared unlawful.

Whenever the city shall, by appropriate action, designate any no parking area or area where parking is restricted to permit holders, certain hours or limited to a permissible period of time, and an appropriate sign or other device is posted upon the street or portion of street where such prohibition, restriction or limitation is applicable, it shall be unlawful for any person to park any vehicle in violation of such prohibition, restriction or limitation.

Section 3. New Language. Chapter 28, Article III of the Code of Ordinances of the City of Palmetto, Florida, is hereby amended by adding a section to be numbered 28-56, which section shall read as follows:

Sec. 28-56. Owner of vehicle presumed to be violator.

In the prosecution of a violation of any ordinance or section of this Code governing the stopping, standing, or parking or operating of a vehicle, proof that the particular vehicle described in the complaint or citation was parked or operated in violation of any such ordinance or regulation, together with proof that the defendant named in the citation or complaint was at the time of such parking or operating the registered owner of such vehicle, shall create a presumption that the registered owner of such vehicle was the person who stopped, parked or operated such vehicle at the time and place such violation occurred.

Section 4. Repeal of Ordinances. This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

Section 5. Severability. It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance or the standards and codes adopted hereby, shall be determined by a court of competent jurisdiction to be inapplicable, illegal, unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

Section 6. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14 upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

APPROVED AND ADOPTED, in open session with a quorum present and voting, this 7th day of January, 2008.

First Reading: December 17, 2007

Publication: December 28, 2007

Second Reading and
Public Hearing: January 7, 2008

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY COMMISSION
OF THE CITY OF PALMETTO

By: _____
LAWRENCE E. BUSTLE, JR., MAYOR

ATTEST: James R. Freeman
City Clerk

By: _____
City Clerk