

Introduced by: Council Member Chris Hoffman

1st Reading: April 6, 2020

2nd Reading: April 20, 2020

ORDINANCE NO. 2020-8138

AN ORDINANCE TO CREATE A NEW SECTION 31-61 - PAID PARKING PROGRAM IN CHAPTER 31 – TRAFFIC AND MOTOR VEHICLES, ARTICLE III – STOPPING, STANDING, AND PARKING, DIVISION 3 – PARKING REGULATIONS, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, TO CODIFY ELEMENTS OF THE CITY’S PAID PARKING PROGRAM IN CERTAIN CITY LOTS; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach (“City”) has the authority to adopt this Ordinance pursuant to Art. VIII, § 2 of the Constitution of the State of Florida; and Chapter 166, Florida Statutes; and

WHEREAS, Section 162.021(1) and (2), Florida Statutes, authorizes a municipality to exercise any power for municipal purposes, except when expressly prohibited by law, consisting of any activity or power which may be exercised by the state or its political subdivisions; and

WHEREAS, Section 125.01(1), Florida Statutes, grants counties, political subdivisions, the power and authority to provide and regulate parking facilities, so a municipality holds this power and authority as well; and

WHEREAS, Sections 162.22 and 125.01, Florida Statutes, authorize the City Council to designate enforcement methods and penalties to be imposed for the violation of City ordinances, which may include, but are not limited to, issuance of a citation, summons, or a notice to appear in court; and

WHEREAS, in 2019, the City established a Paid Parking Program (the “Program”) at four City parking lots (“parking lots”) as authorized by Resolution No. 1987-2017; and

WHEREAS, in March of 2019, the City and SP PLUS Corporation (“SP PLUS”) entered into a Parking Management Services Agreement for SP PLUS to provide parking facility management services and create the Program for an initial services period from March 15, 2019 through October 27, 2019, at the designated parking lots (“Services Agreement”); and

WHEREAS, City staff evaluated the Program and SP PLUS’s performance under the Services Agreement, and staff advised and recommended to City Council that the City continue the Program and amend and extend the Services Agreement with SP PLUS; and

WHEREAS, on March 2, 2020, City Council approved Resolution No. 2050-2020 for the continuation of the Services Agreement and approval of a First Amendment that extended the

Agreement and amended the parking fees schedule, resident fee policy, issuance of citations, violation fees, collections and enforcement; and

WHEREAS, also in Resolution No. 2050-2020, City Council directed staff to prepare and submit to Council an Ordinance that will revise the City Code of Ordinances Chapter 31 - Traffic and Motor Vehicles; Article III – Stopping, Standing, and Parking; Division. 3 – Parking Regulations, and any other Sections necessary to codify elements of the Program as enforceable local laws; and

WHEREAS, the City Council deems it beneficial and in the City’s best interests to continue the Program as it generates public revenue that benefits the City’s residents, communities, businesses, and funds some City operations; and

WHEREAS, the City Council desires to create a new Section 31-61 of the City Code of Ordinances to create local laws that govern the Program; and

WHEREAS, the City Council, after notice and public hearing, has considered this Ordinance, staff reports, information provided and any public testimony given at public hearings; and

WHEREAS, the City Council hereby finds that this Ordinance serves legitimate government purposes, it is a permissible exercise of the City’s powers and authority, and benefits the public health, safety, and welfare of the citizens of the City of Jacksonville Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The above recitals and legislative findings are ratified, correct and made a part of this Ordinance.

SECTION 2. THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED BY ADDING A SECTION, TO BE NUMBERED SEC. 31-61, WHICH SAID SECTION SHALL READ AS FOLLOWS.¹ Chapter 31, Traffic and Motor Vehicles, Article III. – Stopping, Standing, and Parking, Division 3. – Parking Regulations:

Sec. 31-61. - Paid Parking Program.

(1) The City of Jacksonville Beach established a Paid Parking Program at four City parking lots located at the Pier Parking Lot, the Third Avenue North Parking Lot, the Second Street North Lot and the Latham Plaza Parking Lot. The City established a parking fee schedule and resident registration free parking program, as well as a citation and violation fees schedule, and collections and enforcement program. The City determined that it is reasonably necessary and appropriate to engage the services of an experienced vendor to provide Paid Parking Program parking facility management services and to empower that vendor to collect parking fees, issue citations, collect violation fees, handle enforcement, administer, and manage the collections and dispute resolution processes for the City.

¹ Code additions are indicated with underline text to designate the new Sec. 31-61 to the City Code of Ordinances. Ordinance No. 2020-8138

(2) Fees are to be paid for parking in any of the Paid Parking Program parking lot facilities located at the Pier Parking Lot, the Third Avenue North Parking Lot, the Second Street North Parking Lot and the Latham Plaza Parking Lot.

a. All vehicles parked in any of the designated Paid Parking Program parking lots at any time shall pay the applicable hourly or daily fees at the designated kiosks as follows:

<u>Less than 2 hours</u>	<u>\$3.00.</u>
<u>Over 2 hours</u>	<u>Additional \$1.00 per hour up to max parking rate.</u>
<u>Max Parking Rate</u>	<u>\$7.00 All day parking.</u>
<u>Holiday/Special Event Rate</u>	<u>\$12.00 All day parking.</u>

b. All fees charged for the use of the parking facilities shall be collected via electronic payment at the parking facility kiosks. Evidence of the proper parking fee payment will be made through a confirmation check using the vehicle license plate. The City’s vendor has exclusive authority to administer, manage and collect all parking fees, fines, and charges.

(3) Parking violations fees and charges.

a. The City’s vendor has authority to issue parking citations and charge violation and administration fees to any vehicle that has not paid the proper parking fee or that remains parked after exceeding the permissible time paid for. The following violation and administrative fees are to be charged in the event of a parking violation:

<u>Regular Parking Fee</u>	<u>\$3.00</u>	<u>\$4.00</u>	<u>\$5.00</u>	<u>\$6.00</u>	<u>\$7.00</u>	<u>\$12.00</u>
<u>City Parking Violation Fee</u>	<u>\$25.00</u>	<u>\$25.00</u>	<u>\$25.00</u>	<u>\$25.00</u>	<u>\$25.00</u>	<u>\$25.00</u>
<u>Vendor Administrative Fee</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>
<u>TOTAL VIOLATION FEE</u>	<u>\$38.00</u>	<u>\$39.00</u>	<u>\$40.00</u>	<u>\$41.00</u>	<u>\$42.00</u>	<u>\$47.00</u>

b. A registered owner or operator of a vehicle who believes a parking citation has been issued in error or in an improper manner may request an administrative dispute review of the conditions for issuance of the citation in accordance with and as set forth on the vendor’s parking violation citation. The City’s vendor has exclusive authority to engage and enforce fees collections efforts and to review and resolve all disputes concerning parking violation collections and disputes as relates to the Paid Parking Program.

c. Residents of the City of Jacksonville Beach may park at no charge in the City’s paid parking lots by registering their vehicles in the Resident Parking Program. Residents’ vehicles must be registered through Florida Department of Highway Safety and Motor Vehicles to an address within the Jacksonville Beach municipal boundaries. In order to qualify for this free parking benefit, residents must submit a request either in person or on-line. In-person requests are received at the Jacksonville Beach Police Department, 101 Penman Rd. S. Jacksonville Beach, FL 32250 or at Utility Billing in City Hall, 11 North Third Street, Jacksonville Beach, FL

32250. Online requests are available to be made at www.jacksonvillebeach.org by searching, "Resident Parking Program."

SECTION 3. CONFLICTING ORDINANCES AND ACTS. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered into by the City or any of its officials and that are in conflict with this ordinance are repealed to the extent inconsistent herewith

SECTION 4. SEVERABILITY. If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity

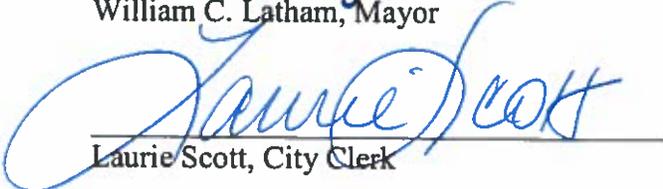
SECTION 5. CODIFICATION. The City Council intends that this Ordinance will be made a part of and codified in the City of Jacksonville Beach Code of Ordinances.

SECTION 6. EFFECTIVE DATE. This Ordinance will immediately take effect upon its adoption by the City Council.

AUTHENTICATED THIS 20th DAY OF April, A.D., 2020.



William C. Latham, Mayor



Laurie Scott, City Clerk