

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 72 OF THE CODE OF ORDINANCES ENTITLED "PARKING" TO REVISE THE PARKING PERMIT PROGRAM AND UPDATE OTHER PROVISIONS; PROVIDING FOR A REPEALER PROVISION AND A SEVERABILITY CLAUSE.

WHEREAS, Chapter 72 of the Hollywood Code of Ordinances sets forth regulations and guidelines relating to parking within the City; and

WHEREAS, due to changes within both the Downtown and Beach areas of the City, there have been discussions with the City Commission to re-evaluate the parking permit program; and

WHEREAS, City staff has reviewed the existing guidelines and regulations has determined that the current provisions need to be updated to coincide with the City's current visions as well as for consistency; and

WHEREAS, as there are different parking impacts based upon geographic locations within the City as well as the limitation of available parking on the beach, which also impacts the permanent residents living on the beach, it was determined that overtime parking penalties needed to be based on such geographic locations to reduce parking impacts; and

WHEREAS, the City Commission has determined that it is in the best interest of the residents of the City to amend the provisions of Chapter 72.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA.

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Chapter 72 of the Hollywood Code of Ordinances entitled "Parking" is amended as follows<sup>1</sup>:

## **TITLE VII: TRAFFIC CODE**

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<sup>1</sup> Coding: Underscored text are additions to existing text; words ~~stricken through~~ are deletions from existing text.

## CHAPTER 72: PARKING

\* \* \*

### GENERAL PROVISIONS

#### § 72.001 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BEACH RESIDENTIAL PARKING PERMIT DISTRICT.** A Beach Residential Parking Permit District may only be designated in the area generally bounded by Sherman Street south to the south property line of the Diplomat Resort and Spa, and from the Intracoastal Waterway east to the Atlantic Ocean.

**BEACH RESIDENTIAL PARKING PERMIT.** An identification credential issued by the Parking Administrator to those eligible beach residents who may park in a designated Beach Residential Parking Permit District.

**DECAL.** A sticker to be affixed permanently on the inside of the windshield near the bottom of the driver's side to the vehicle of a resident participating in a City city Pparking Permit Pprogram.

**DIRECTOR.** The Director of the Office of Parking & Intergovernmental Affairs of the City of Hollywood.

**EMPLOYEE PARKING PERMIT.** An identification credential issued by the Parking Administrator to those employees that are employed in designated employee parking areas.

**HANG TAG.** A permit designed to hang from the rear view mirror of a vehicle participating in a City Pparking Permit Pprogram.

**HOURS OF ENFORCEMENT.** Hours of enforcement for the Parking Permit Pprogram are:

24 hours, Monday through Sunday.

**NON-DESTRUCTIVE IMMOBILIZING DEVICE.** A device commonly known as a "boot" placed on a vehicle in order to prevent the vehicle from being moved under its own power.

**PARKING ADMINISTRATOR.** The individual appointed by the City Manager or designee as the Parking Administrator.

**PARKING CONTROL DEVICE.** Includes, but is not limited to parking meters, pavement markings and signs. To the extent practicable, these devices shall conform to commonly recognized state or county devices used for the same purpose in other jurisdictions. However, nothing in this subchapter shall invalidate any parking control device installed at the discretion of the Parking Administrator, City Engineer, City Traffic Engineer or the Broward County Traffic Engineer.

**PARKING PERMIT PROGRAM.** The restricted on or off street parking program established in § 72.026. Also referred to as "the Program."

**PERMIT.** Any ~~document~~ credential provided or used by the City to allow participation in a parking Parking Permit Program ~~program~~, such as a hang tag, ~~and a decal, or license plate.~~

**PERMIT PARKING PROGRAM.** ~~The restricted on or off street parking program established in § 72.026. Also referred to as "the Program."~~

**RESIDENT.** A person who owns or leases real property within a residential area and who maintains either a voter residence or bona fide occupancy, or both, at the address.

**RESIDENTIAL PARKING PERMIT DISTRICTS.** A continuous or nearly continuous area containing public streets and highways or parts thereof primarily abutted by residential parking or residential nonbusiness property including but not limited to schools, parks, churches, hospitals and nursing homes, and within an area zoned as a residential district.

**RESIDENT VEHICLE.** ~~A motor vehicle owned, leased or rented by a person residing in the Residential Parking Permit District.~~

**RESIDENTIAL PARKING PERMIT.** An identification credential issued by the City to a resident located within the Residential Parking Permit District in accordance with the provisions of this Chapter.

**RESIDENTIAL GUEST PARKING PERMIT.** An identification credential affixed to or displayed inside or on a vehicle and temporarily issued to a bona fide guest of a valid residential permit holder located within a designated City Residential Parking Permit District in accordance with the provisions of this Chapter.

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## **§ 72.009      PARKING FOR CERTAIN PURPOSES PROHIBITED; TOWING.**

\* \* \*

(B) Any vehicle ticketed pursuant to division (a) above, is subject to towing under the authority of the Police Department Code Enforcement when the vehicle is not removed from the area within 24 hours from the issuance of the ticket.

#### **§72.016 PARKING, STANDING IN FREIGHT LOADING ZONE.**

(A) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place designated as a freight loading zone during hours when the provisions applicable to such zone are in effect. Such vehicles shall have flashers on when engaged in these activities. In no case shall the stop for loading and unloading of materials exceed 30 minutes. The Parking Administrator shall have the authority to determine the necessity for reasonable access for loading and unloading and the extent that it should be provided, along with the hours and days during which the loading zone restrictions should apply.

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#### **§72.026 ~~PERMIT PARKING~~ PERMIT PROGRAMS.**

~~(A) The City Manager, or his or her designee, the Director of the Office of Parking & Intergovernmental Affairs, shall designate permit parking program area(s) and shall designate certain parking spaces therein as being subject to the provisions of the program.~~

~~(B) During the hours of enforcement, no person shall park a vehicle in a program area designated space unless such vehicle displays a program permit or decal or makes the appropriate payment for parking.~~

~~(C) Program permits shall be purchased for a fee to be set by resolution of the City Commission.~~

~~(D) (1) Customers will be eligible to buy one program permit for each vehicle. Program permits shall be purchased upon the presentation of: current motor vehicle registration, current driver's license, and either a property tax bill, voter information card, current utility bill or copy of a fully executed lease for property located within the program area, all of which shall be in the name of the person acquiring the program permit(s). To be eligible for a resident permit, a customer must present documentation with a Hollywood address. All documentation listed herein shall reflect an address within the program area boundaries.~~

~~(2) Part-time residents who are owners of residential property within a program area are eligible to buy one program permit for each vehicle. Program permits shall be purchased upon presentation of: current motor vehicle registration, current driver's license, and a property tax bill for the residential property, all of which shall be in the name of the person acquiring the program permit(s).~~

~~(E) Only one permit may be purchased per vehicle.~~

~~(F) Alteration or misuse of a permit may result in a penalty such as revocation of the permit, forfeiture of the permit value and ineligibility to receive a permit for one year.~~

~~(G) Permits are not transferable unless proper documentation is provided in § 72.026(D).~~

(A) Declaration of necessity and purpose. It is found and declared that:

(1) There exists within certain residential areas of the City a heavy concentration of vehicles during certain times of the day that prevents residents within those areas from having reasonable access to their homes.

(2) The presence of these vehicles causes vehicular congestion on residential streets, impedes the movement of traffic, unduly restricts travel of residents within the area, and creates excessive noise.

(3) The conditions mentioned in (1) and (2) above create blight and deterioration of residential areas.

(4) The establishment of Residential Parking Permit Districts will help to preserve the character of these areas as residential neighborhoods, will preserve property values, and will preserve the safety of children and other pedestrians.

(5) The establishment of Residential Parking Permit Districts will promote efficiency in the maintenance of those streets.

(6) Residential Parking Permit regulations are necessary to promote the health, safety and welfare of the inhabitants of the City.

(B) The City Manager or designee shall designate Parking Permit Program District(s) and shall designate certain parking spaces as being subject to provisions of the Program. Such designation shall state the boundaries of the district and the applicable parking regulations.

(C) Fees for Residential Parking Permits, Employee Parking Permits and Beach Residential Parking Permits, including fees for replacement, shall be established by resolution of the City Commission.

(D) Designation of Residential Parking Permit Districts:

Such designation shall be made in one of the following ways:

- (1) The City Manager or designee, the Parking Administrator, is authorized to designate streets and other public ways within the City on which the parking of vehicles may be restricted to vehicles bearing a valid Residential Parking Permit issued pursuant to this section.
- (2) Upon receipt of a request signed by at least five adult residents of a neighborhood proposing a Residential Parking Permit District or Beach Residential Parking District, the Parking Administrator will initiate a survey to determine whether such district should be established in that neighborhood and the boundaries for such district. This survey will be addressed to homeowners on each block as recorded with the Broward County Property Appraiser's Office.
- (3) If a designation is sought by a resident request to start or expand a Residential Parking Permit District or Beach Residential Parking District, 65 percent of the residents within the requesting area must agree to the implementation or expansion by signing and returning a petition. For purposes of calculating the 65 percent of the residents, each dwelling unit shall be represented by one resident. If a dwelling unit is a condominium, each condominium unit shall be represented by one resident unless the Condominium Board provides to the City a Board Resolution indicating that the unit owners have consented to designate the Board with the authority to agree on their behalf to start or expand a Residential Parking Permit District or Beach Residential Parking District. The result will be calculated using the total number of responses and the total number of residences, regardless of response. If the survey result is 65 percent or more, the area shall be eligible for consideration for designation as a Residential Parking Permit District.
- (4) If the survey does not meet the 65 percent threshold for designation, residents may re-apply for consideration 12 months from the completion date of the survey.
- (5) The City Manager or designee, the Parking Administrator, may, if he or she concludes it is in the public interest to do so, initiate the designation process without any request.
- (6) The Parking Administrator may consider, without limitation, the extent to which parking spaces are occupied during working or other hours, the extent to which parked vehicles are registered to persons not apparently residing within the neighborhood, the primary zoning designation within the neighborhood, the impact that businesses and facilities located within or outside the neighborhood have upon parking within the neighborhood, and such other factors as the Parking Administrator deems relevant to determine whether parking by nonresidents of the neighborhood substantially impacts the ability of residents of the proposed Parking Permit District to park their vehicles on the streets of the proposed permit district with reasonable convenience, and the extent to which a Parking Permit District would significantly reduce this impact. The Parking Administrator shall also determine the need for reasonable public access to parking in the area, the specific streets on which certain Residential Parking Permit and Beach Residential Parking

Permits will be allowed, the manner and extent that it should be provided, along with the hours and days during which parking restrictions should apply.

(E) Issuance of Residential Parking Permits.

- (1) Following the designation of a Residential Parking Permit District, the Parking Division shall issue Residential Parking Permits for the district so designated.
- (2) A Residential Parking Permit shall be issued to a resident of a designated Residential Parking Permit District upon providing proof of residency in a single-family or multifamily dwelling within that district. Residential Parking Permits shall be purchased upon the presentation of a current valid motor vehicle registration, current driver's license, and either a property tax bill, voter information card, current utility bill or copy of a fully executed lease for property located within the Residential Parking Permit District, all of which shall be in the name of the person acquiring the Permit(s). To be eligible for a Residential Parking Permit, a customer must present documentation with a Hollywood address. All documentation listed herein shall reflect an address within the Program district boundaries.
- (3) Part-time residents who are owners or renters of residential property within a designated Residential Parking Permit District are eligible to buy one Residential Parking Permit for each vehicle. Residential Parking Permits shall be purchased upon presentation of a current valid motor vehicle registration, current driver's license, and a property tax bill for the residential property, all of which shall be in the name of the person acquiring the Program Permit(s).
- (4) Residential Parking Permits shall be effective for 12 months from date of issuance and must be renewed for each subsequent 12 month period.
- (5) Residential Guest Parking Permits may be requested from the Parking Division on an as needed basis and are entitled to a maximum of two guest Residential Parking Permits per 12 month period that are valid for a maximum of two weeks. Additional requests shall be subject to review by the Parking Administrator.
- (6) One Residential Parking Permit shall be issued, upon application and payment of the prescribed fee for each motor vehicle owned by a person residing on a street within the designated Residential Parking Permit District, or on a street within a residential area that is contiguous to the Residential Parking Permit District. Only one Residential Parking Permit may be purchased per vehicle.

(F) Beach Residential Parking Permits.

- (1) A Beach Residential Parking Permit District shall be designated pursuant to the method outlined in (D) above.

- (2) Following the designation of a Beach Residential Permit Only parking district by the City Manager or designee, the Parking Administrator, the Parking Division shall issue Beach Residential Parking Permits for the district so designated.
- (3) A Beach Residential Parking Permit shall be issued to a resident of a specified Beach Residential Parking Permit District upon providing proof of residency in a single-family or multifamily dwelling within the Beach Residential Parking Permit District. Beach Residential Parking Permits shall be purchased upon the presentation of a current valid motor vehicle registration, current driver's license, and either a property tax bill, voter information card, current utility bill or copy of a fully executed lease for property located within the Beach Residential Parking Permit District, all of which shall be in the name of the person acquiring the Permit(s). To be eligible for a Beach Residential Parking Permit, a customer must present documentation with a Hollywood address. All documentation listed herein shall reflect an address within the Program district boundaries.
- (4) Part-time residents who are owners or renters of residential property within a specified Beach Residential Parking Permit District are eligible to buy one Beach Residential Parking Permit for each vehicle. Beach Residential Parking Permits shall be purchased upon presentation of a current valid motor vehicle registration, current driver's license, and a property tax bill for the residential property, all of which shall be in the name of the person acquiring the Program Permit(s).
- (5) Beach Residential Parking Permits shall be effective for 12 months from date of issuance and must be renewed for each subsequent 12 month period.
- (6) Guest Residential Parking Permits may be requested from the Parking Division on an as needed basis and are entitled to a maximum of two guest Beach Residential Parking Permits per 12 month period and shall be valid for a maximum of two weeks. Additional requests shall be subject to review by the Parking Administrator.
- (7) One Beach Residential Parking Permit shall be issued, upon application and payment of the prescribed fee for each motor vehicle owned by a person residing on a street within the Beach Residential Parking Permit District, or on a street within a residential area that is contiguous to the Beach Residential Parking Permit District. Only one Beach Residential Parking Permit may be purchased per vehicle.
- (G) Employee Permit Parking.

  - (1) The Parking Administrator may designate employee parking areas within the City.
  - (2) An Employee Parking Permit shall be issued to an employee within a designated employee parking area upon payment of the permit fee and providing the following documentation:



- a. A valid driver's license.
  - b. A current valid state vehicle registration.
  - c. A pay stub or notarized letter from the employee's employer verifying that the employee's place of employment is within the City and states the employer's address.
- (3) The employee shall purchase and display an Employee Parking Permit on the mirror of the vehicle which authorizes the vehicle to be parked in the designated Employee Parking Permit spaces in designated on-street parking areas or in City-owned parking lots. The Employee Parking Permit must be displayed with the expiration date facing the windshield, and no other items shall obscure the visibility of the Permit.
- (4) At the time of applying for an Employee Parking Permit, the employee shall not have any unpaid citations unless the outstanding citation is pending appeal.
- (5) A business/employer may purchase Employee Parking Permits on behalf of its employees. At the time of submitting an application for such Permits, the business entity shall provide a current local business tax receipt.

(H) Parking Permits; General Rules.

- (1) ELIGIBLE VEHICLES. Parking Permits may only be issued for use by legally registered passenger motor vehicles, motor driven cycles, and trucks of 3/4 ton capacity or less. No Parking Permit may be issued for use by any other vehicles, including but not limited to motor vehicles in excess of 3/4 ton capacity, recreational motor homes, buses, vehicles maintained for the transportation of persons for hire, compensation, or profit, motor vehicles not legally licensed to travel on a public highway, or motor vehicles exceeding 7 feet 6 inches in height or 22 feet in length.
- (2) Residential Parking Permits are limited to four permits per address, regardless of how many vehicles are registered to the address.
- (3) A Residential Parking Permit shall not guarantee the holder to an on-street parking space in the designated Parking Permit District.
- (4) Residential Parking Permits are not transferable unless proper documentation is provided as specified in Section 72.026(E)(2). A replacement Permit shall be issued upon proof of loss, theft or damage of the original Permit, and payment of the replacement fee prescribed in Section 72.026 (C).
- (5) Unless City signs indicate to the contrary, a vehicle parked in a designated Residential Parking Permit District that has a valid Residential Parking Permit for that designated district shall not be in violation for overtime parking by virtue of parking for a period of time in excess of the time allowed. During the hours of enforcement, no person shall park a vehicle in a Program district designated space unless such a vehicle displays a Residential Parking Permit or Employee Parking

Permit valid for that district, makes the appropriate payment for parking or heeds the time limited parking restrictions for that district.

(6) Vehicles displaying a valid Residential Parking Permit will be subject to all on-street parking restrictions and limitations except those restrictions and limitations imposed pursuant to this Section.

(I) Parking Permit Term and Renewal. Each Residential Parking Permit issued by the Parking Division shall be valid for a one year period preceding the expiration date, as specified in the parking management plan, during which time the Permit holder shall maintain eligibility for the issuance of a Permit. Residential Parking Permits may be renewed annually in the manner required by the Parking Division.

(J) Violations.

(1) No person shall falsely represent himself as eligible for a parking Permit or furnish false information and application to the Parking Division.

(2) No person shall hold a valid parking Permit issued pursuant this section or permit the use or display of the Permit on a motor vehicle other than that for which the Permit is issued.

(3) No person shall produce, copy or otherwise bring into existence a facsimile or counterfeit parking Permit and no person shall use or display any facsimile or counterfeit parking Permit in order to evade time limitations on parking applicable in a Residential Parking Permit District.

(4) Alteration or misuse of any Residential Parking Permit may result in a penalty such as revocation of the Permit, forfeiture of the Permit value and ineligibility to receive a Permit for one year.

(K) Permit Revocation. The Parking Administrator is authorized to revoke a Residential Parking Permit or Employee Parking Permit of any person found to be in violation of this Chapter and upon written notification thereof, the person shall surrender such Permit to the Parking Division.

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## **§72.077 VIOLATIONS. OVERTIME PARKING**

(A) **Eastern portion of the City.** Overtime parking violations for the eastern portion of the City shall apply to vehicles parked or standing upon the streets of the City in the area bounded by the Intracoastal Waterway on the west, and the northern, southern and easterly borders of the City, along with the area bounded by the Intracoastal Waterway on the east, North Southlake Drive on the south, 12<sup>th</sup> Avenue on the west and Polk Street on the north, as well as off-street parking lots and parking garages owned or controlled

by the City in the same area, when such vehicles are parked or standing upon such streets, off-street parking lots or parking garages.

(B) **Western portion of the City.** Overtime parking violations for the western portion of the City shall apply to vehicles parked or standing upon the streets of the City in the area bounded by the Intracoastal Waterway on the east, except the area bounded by North Southlake Drive on the south, 12<sup>th</sup> Avenue on the west and Polk Street to the north, and the northern and southern borders of the City, as well as off-street parking lots and parking garages owned or controlled by the City in the same area, when such vehicles are parked or standing upon such streets, off-street parking lots or parking garages.

(C) It shall be a violation of this section to:

~~(A)~~ (1) Park a vehicle in any metered parking space without depositing appropriate U.S. currency or any authorized type of payment, or displaying a City city issued parking permit where such use is allowed.

~~(B)~~ (2) Allow a vehicle to remain parked in a posted or metered parking space for a period of time longer than the maximum time allowed by a parking controlled device.

~~(C)~~ (3) Deposit or attempt to deposit in any parking meter anything other than a lawful U.S. currency or a credit card.

~~(D)~~ (4) Remove, deface, tamper with, open, willfully break, destroy or damage in anyway any parking meter.

(D) **Penalty.**

(1) Any person who parks a vehicle within the eastern portion of the City and is found in violation of subparagraph (C) of this section shall be liable for a fine of \$35.00, except that a second violation of subparagraph (C) within six months of the first violation, the fine shall be \$75.00, and for a third or subsequent violation within six months of the first violation, the fine shall be \$155.00

(2) Any person who parks a vehicle within the western portion of the City and is found in violation of subparagraph (C) of this section, shall be liable for a fine of \$20.00, except that a second violation of subparagraph (C) within six months of the first violation, the fine shall be \$45.00, and for a third or subsequent violation within six months of the first violation, the fine shall be \$95.00.

#### **§72.078 OVERTIME PARKING. TRUCKS, TRACTOR TRAILERS, SEMI-TRAILERS AND TRAILERS.**

If any vehicle remains parked in any metered parking space beyond the time period allowed by the deposit of U.S. currency, any authorized type of payment, or a visible city

~~issued parking permit, the parking meter or parking receipt shall indicate expired parking and in that event, such vehicle shall be considered parked overtime and a citation may be issued. The parking of a vehicle overtime in any part of a street where any such meter is located shall be a violation of this chapter. A subsequent citation may be issued for each violation of the time limits provided on the legend of the meter. The fact that a citation has been issued for a vehicle parked overtime shall not prevent enforcement personnel from issuing a subsequent citation. For example, a citation may be issued every two hours at a two-hour time limit parking meter space for a vehicle that remains parked overtime.~~

Except as provided otherwise in this Chapter, no trucks, tractor trailers, semi-trailers or trailers shall be parked upon the streets or other public places of the City between the hours of 10:00 p.m. and 6:00 a.m. where prohibited by an official sign, except while loading or unloading as set forth in Section 72.016. This provision is in addition to the prohibitions set forth in Section 72.112. For purposes of this section, trucks, tractor trailers, semi-trailers and trailers shall have the same meaning as set forth in Section 320.01, Florida Statutes.

#### **§72.111 RESTRICTIONS ON PARKING VEHICLES.**

(A) All vehicles parked or stored on private property must be owned or controlled by an owner or occupant of the property or temporarily parked at the express or implied invitation of an owner or occupant of the property for a legitimate purpose.

(B) ~~License Plates/Tags. All vehicles parked or stored that are visible from a public right-of-way shall have affixed thereto a currently valid license tag.~~

(1) No person shall stop, stand, or park a vehicle upon any City street or in any City operated off-street parking facility or lot, except while actively being loaded or unloaded, unless such vehicle has affixed to it a current and valid license plate and validation sticker in accordance with state law.

(2) Any vehicle without a current and valid license plate and validation sticker affixed to the license plate that is parked at any time upon any City street or in any City operated off-street parking facility, garage or lot, shall be subject to the issuance of a parking citation and may be immediately impounded by or under the direction of a law enforcement officer.

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#### **§ 72.153 IMPOUNDMENT.**

(A) *Authority to impound vehicles.* Members of the Police Department are hereby authorized to remove a vehicle from any City street, swale, sidewalk or public parking facility to the nearest garage or other place of safety or to a garage designated or maintained by the Police Department or by this municipality, under the circumstances provided herein hereinafter enacted.

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**§ 72.156 AUTHORITY OF CITY TO USE MOTOR VEHICLE IMMOBILIZING DEVICES.**

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(F) The removal charge for the authorized removal of an immobilizing device is hereby established as \$~~50~~75.

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**~~§ 72.160 DIRECTOR OF THE OFFICE OF PARKING & INTERGOVERNMENTAL AFFAIRS. PARKING ADMINISTRATOR~~**

The ~~Director of the Office of Parking & Intergovernmental Affairs~~ Parking Administrator shall be the head and have general supervision of the ~~Office of Parking & Intergovernmental Affairs~~ Parking Division. The ~~Director~~ Parking Administrator shall perform such duties as are required of the ~~Director~~ Parking Administrator by law, resolution and/or by directive of the City Manager or ~~his/her~~ designee(s) not in conflict with applicable laws or resolutions. The ~~Director~~ Parking Administrator shall be authorized to waive fees and rescind citations, or negotiate, settle and compromise fees and citations, for good and sufficient cause in accordance with the standards set forth in this Chapter ~~chapter~~.

\* \* \*

**§ 72.999 PENALTY.**

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(C) Any person or firm found in violation of §72.111(A) or §72.111(B) shall be liable for a fine of \$100, pursuant to the jurisdiction of the county court. Parking citations for violations may be issued by any officer with a parking enforcement certification. Alternatively, a code enforcement officer may cite an alleged violator with a notice to appear before a Code Enforcement Special Magistrate, as provided in Chapter 36 of this Code.

\* \* \*

(E) The following fines have been established for improper parking:

(1) *Overtime parking and metered parking.* Any person found in violation of § 72.027 ~~or § 72.077~~ shall be liable for a fine of \$35, except that for a second violation of § 72.027 ~~or § 72.077(B)~~ within six months of the first violation of § 72.027 ~~or § 72.077(B)~~,

the fine shall be \$75, and for a third or subsequent violation of § 72.027 or ~~§ 72.077(B)~~ within six months of the first violation of § 72.027 or ~~§ 72.077(B)~~, the fine shall be \$150. Any person found in violation of ~~§ 72.078~~ shall be liable for a fine of \$15.

\* \* \*

(3) (a) *Prohibited parking.* Any person found in violation of §§ 72.002, 72.121(A), 72.006, ~~through 72.008, 72.009(A), 72.010 through 72.013, 72.015, 72.017 through 72.019, 72.078 72.022, 72.024, 72.025, 72.026, 72.032, 72.035, 72.054 or 72.131,~~ shall be liable for a fine of \$40. Any person found parking a vehicle in violation of F.S. ~~§ 316.605 (expired license tag)~~ shall be subject to a fine of \$25.

(b) *Prohibited parking.* Any person found in violation of §§ 72.013, 72.022, 72.024, 72.025, 72.026 (B), 72.032, 72.035, 72.051, or 72.121 shall be liable for a fine of \$40, except that for a second violation within six months of the first violation, the fine shall be \$85, and for a third or subsequent violation within six months of the first violation, the fine shall be \$150.

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(F) ~~*Permit-Parking*~~ *Permit Program.* All persons found in violation of § 72.026(J)(3)(F) or 72.026(J)(4)(G) shall be liable for a fine of \$200.

(G) After the third violation of § 72.026(H)(4)(B) is committed involving the same vehicle, and upon advanced written notice being posted on the vehicle and mailed to the registered owner of the motor vehicle, the Director or his/her-designee(s) is authorized to attach to the vehicle, upon the issuance of the fourth such citation, a non-destructive immobilizing device.

\* \* \*

(J) Any person receiving a parking violation notice shall, within ten business days, pay the civil penalty or request a hearing before a designated official.

(1) Failure to pay the civil penalty or to request a hearing within ten business days of the issuance of the parking violation notice will result in the imposition of a delinquent fee of ten dollars in addition to the citation fine for each citation issued.

(2) Failure to pay the civil penalty or to request a hearing within 30 business days of the issuance of the parking violation notice will result in the imposition of an additional delinquent fee of \$25.00, for a total civil penalty of \$35.00 in addition to the citation fine for each citation issued.

(3) Pursuant to §938.35, Florida Statutes, parking violation fines and penalties for which full payment is not received within 90 calendar days from the date of issuance and collection of such fee is referred by the City to a private attorney who is a

member in good standing of the Florida Bar or to a collection agent who is registered and in good standing pursuant to Chapter 559, Florida Statutes, to pursue the collection of such unpaid financial obligations will also be subject to an additional collection fee added to the balance owed. The amount of such collection fee shall not exceed 40% of the amount owed at the time the account is referred to the attorney or agents for collection, or in the actual amount charged by such private attorney or agents for collection, whichever is less.

(4) In the case of overpayment of a parking violation fine and penalty, no refund shall be made if payment of any other delinquent citation is due and owing on any vehicle owned by the same registered owner of the vehicle, and if such citation is not under appeal. The City shall apply such credit balance to the oldest outstanding delinquent citation first.

Section 3: That it is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this Ordinance may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on \_\_\_\_\_, 2021

PASSED on the first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ADOPTED on the second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 72 OF THE CODE OF ORDINANCES ENTITLED "PARKING" TO REVISE THE PARKING PERMIT PROGRAM AND UPDATE OTHER PROVISIONS; PROVIDING FOR A REPEALER PROVISION AND A SEVERABILITY CLAUSE

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JOSH LEVY, MAYOR

ATTEST:

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PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY for the use and reliance  
of the City of Hollywood, Florida, only.

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DOUGLAS R. GONZALES  
CITY ATTORNEY