

ORDINANCE 16-25

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, CREATING SECTION 105-24.7 PAID PARKING IN THE LAND DEVELOPMENT CODE OF THE DUNEDIN CODE OF ORDINANCES; ESTABLISHING A DOWNTOWN PARKING PLAN WITHIN THE COMMUNITY REDEVELOPMENT AREA (CRA); PROVIDING FOR ON-STREET AND OFF-STREET PAID PARKING; PROVIDING FOR PARKING ENFORCEMENT, PROHIBITION, RESTRICTIONS AND RESIDENTIAL PARKING PERMIT AREAS; PROVIDING FOR DEFINITIONS; REPEALING SECTIONS 74-72 AND 74-73 OF THE CODE OF ORDINANCES AND RENUMBERING SECTION 74-44 AS 74-42; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Dunedin City Commission has received public input at several City Commission workshops and City Commission meetings regarding downtown parking, and has received recommendations from City staff, the Adhoc Downtown Parking Committee and the Community Redevelopment Agency Advisory Committee to implement a pilot parking management system within the Community Redevelopment Area (CRA); and

WHEREAS, the City has retained Walker Parking Consultants to study the issues and make recommendations for implementing a hybrid Parking Management System within the CRA; and

WHEREAS, City staff has worked with Walker Parking to review and analyze a Parking Management System that includes complimentary (free) and paid parking areas; and

WHEREAS, the City Commission has determined that revenue from the paid parking stations will be utilized to fund costs associated with the management of the overall parking system, parking leases, and a future parking garage; and

WHEREAS, amendments to the Land Development Code are necessary to implement regulations of the Downtown Parking Plan; and

WHEREAS, the Local Planning Agency of the City of Dunedin has considered the revisions to the text of the Land Development Code and has recommended the amendments be adopted; and

WHEREAS, the recommendations of the consultant, City staff and the Local Planning Agency have been found by the City Commission to be meritorious.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Section 105-24.7 of Chapter 105 of Subpart B – Land Development Code of the Code of Ordinances of the City of Dunedin is hereby created to read as follows:

SECTION 105-24.7 PAID PARKING

105-24.7.1 – GENERALLY

105-24.7.1.1 – Applicability.

(A) This section shall apply to every street, alley, sidewalk, driveway, parking area, park area and every other way in the City's Community Redevelopment Area (CRA).

105-24.7.1.2 - Compliance with Section.

It shall be unlawful and an offense for any person to do any act forbidden or fail to perform any act required in this section.

State Law reference— *Similar provisions, F.S. § 316.072(2).*

105-24.7.1.3 - Violations Generally.

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the committing of any act declared in this section to be in violation of the ordinances of this city, whether individually or in connection with one (1) or more other persons or as a principal, agent, or accessory, shall be guilty of such offense. Every person who falsely, fraudulently, willfully induces, causes, coerces, requires, or directs another to violate any provision of this section is likewise guilty of such offense.

105-24.7.1.4 - Offenses by Persons Owning or Controlling Vehicles.

Neither the owner or any person employing or otherwise directing the driver of any vehicle shall require or knowingly permit the operation of such vehicle upon a street of this city in any manner contrary to law.

105-24.7.1.5 - Presumption in Reference to Illegal Parking, Operating, Stopping, Etc.

In any prosecution charging a violation of 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.

The foregoing presumption shall apply only when the procedure as prescribed in section 105-24.7.4.8 has been followed.

State Law reference— *Liability for payment of parking ticket violation, F.S. § 316.1967.*

105-24.7.2 – DOWNTOWN PARKING PLAN

105-24.7.2.1 - Authority to Install, Operate and Maintain Parking Pay Stations.

- (A) The Economic Development Department is hereby authorized to install or have installed sufficient parking pay stations or multi-space parking pay stations in such parking pay station zones as now exist or may from time to time be created. Such parking pay stations or multi-space parking pay stations shall be placed upon the curb alongside of or next to individual parking places to be designated as provided in this section.
- (B) The Economic Development Department shall provide for the installation, regulation, control, operation, and use of the parking pay stations or multi-space parking pay stations provided for in this section and shall see to it that such pay stations are maintained in good workable condition.
- (C) The Economic Development Department is hereby authorized to designate and determine such additional parking pay station zones upon the streets, boulevards, avenues, drives and courts of the CRA and may remove the same as may be required from time to time. Parking pay stations for such additional parking pay station zones shall be installed, as provided in this section, after purchase by authority of the City Commission.

105-24.7.2.2 – Parking System Description.

The operational pay-station type is "Pay-by-Plate" which requires the patron to enter their license plate number before paying for parking. This option associates the payment with the vehicle license plate and allows improved integration with enforcement and options for permit or discount based on a specific vehicle using the license plate as the credential for payment.

105-24.7.2.3 - Multi-Space Pay Stations.

- (A) Each multi-space pay station shall contain a legend showing the type of payments, the parking time allowed for payment and the hours during which payment must be made.

- (B) The operator using such parking space shall immediately make payment upon parking in the designated area. In case of violation, it shall be the duty of enforcement personnel to issue a citation.
- (C) Under authority of law, the city has acquired or leased certain municipal on and off-street parking lots, garages, and areas, and the revenue derived therefrom shall be used to pay the cost of maintenance and supervision, a future parking garage and/or to retire the principal and interest of municipal parking revenue bonds, in accordance with the provisions of the resolution authorizing same. All such parking lots, garages, and areas owned or operated by the city, except as otherwise provided in this section, shall be operated subject to the rates and hours of operation listed below:
 1. The rates are to be charged by tier. The tier rates shall be established by resolution of the City Commission.
 2. For on-street paid parking spaces, the Marina parking lot, the Historical Museum parking lots and certain paid lots off Main Street the rate shall be at a Tier 2 rate.
 3. For off-street paid parking spaces the rate shall be at a Tier 1 rate.
 4. Paid parking locations shall be enforced during the times established by resolution of the City Commission.

(D) Parking locations, payment type in paid parking areas and complimentary (free) parking areas shall be established by resolution of the City Commission. **105-24.7.2.4 – Methods of Payment.**

- (A) Coin
- (B) Credit/Debit Cards
- (C) Phone App

105-24.7.2.5 – City of Dunedin Resident Discount Program.

- (A) The public is eligible to park in lots designated as complimentary (free).
- (B) Residents of the City can receive a discount on their parking fees. The amount of the discount and the process required to obtain the discount will be established by resolution of the City Commission.

105-24.7.2.6 – Downtown Employee Pass Program.

- (A) Employees of businesses located in the CRA, may purchase longer term parking passes for the Tier 1 lots and garages with proof of employment in the CRA. The cost of the pass will be established by resolution of the City Commission.

- (B) These passes authorize the employee to use the Tier 1 parking lots and garages for a maximum of 40 hours per week.

105-24.7.2.7 Overnight Parking Permit.

If any parking customer is impaired and does not want to drive home, Dunedin's pay stations will be programmed to allow customers to pre-pay for the next day's parking. Beginning nightly at 7:00pm customers can pre-pay parking for the next day. The fee for the Overnight Parking Permit is \$5.00. The fee covers the next day's parking from 10:00 am to 1:00 pm in any paid location.

105-24.7.2.8 – Golf Carts.

- (A) Any golf cart or other slow speed vehicle (street legal golf carts) that occupies a paid parking space will be required to pay for parking using the nearest pay station.
 1. To access the pay station, low speed vehicles (street legal golf carts) will enter the required Florida license plate.
 2. For golf carts that are not street legal, but that are allowed downtown, the Dunedin registration number will be used at the pay station.

105-24.7.3 - PROHIBITIONS AND RESTRICTIONS

105-24.7.3.1 - Moving Vehicle into Prohibited Area.

No person shall move a vehicle not owned by or in charge of such person into any such prohibited area or away from a curb such distance as is unlawful.

105-24.7.3.2 - Parking Not to Obstruct Traffic.

No person shall stop, stand, or park a vehicle on any portion of a street lane, or lane of traffic in a lot or garage open to the public for purposes of vehicular traffic and designated for the exclusive use of vehicular movement, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer.

105-24.7.3.3 - Unattended Motor Vehicle.

- (A) Whenever any enforcement personnel shall find a motor vehicle standing unattended with the ignition key in the vehicle in violation of this section, such enforcement personnel are authorized to remove such key from such vehicle and to post a notice in such vehicle stating where the key may be recovered.
- (B) The registered owner of a vehicle found in violation of this section shall be held prima facie responsible for any such violation.

105-24.7.3.4 - Prohibited in Specified Places.

- (A) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device, in any of the following places:
1. It shall be unlawful for any person to park in or upon any private alley, drive, driveway, parking area or other privately owned property without the consent of the owner of the property or person in charge thereof, whether such property is used exclusively by the owner or for the use and convenience of customers or guests.
 2. On the street side of any vehicle stopped or parked at the edge or curb of a street.
 3. On a sidewalk.
 4. Within an intersection.
 5. On a crosswalk.
 6. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless signs or markings indicate a different length.
 7. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
 8. On a bicycle path.
 9. At any place where traffic control devices prohibit stopping.
 10. At any Electric Charging Station, unless connected and charging an electric vehicle. The time allowed to park in the space is determined by the pay station maximum allowed in that specific location or designated by posted sign.
- (B) No person shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers, and except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device, in any of the following places:
1. In front of a public or private driveway.
 2. Within fifteen (15) feet of a fire hydrant.
 3. Within twenty (20) feet of a crosswalk at an intersection.
 4. Within thirty (30) feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a street.

5. Within twenty (20) feet of the driveway entrance to any fire station and, when posted, on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance.
6. On an exclusive bicycle lane.
7. At any place where official traffic control devices prohibit standing.

105-24.7.3.5 - Occupation of more than One Space by One Vehicle.

- (A) No person shall stop, stand or park a vehicle in a manner that causes the vehicle or any portion thereof to occupy more than one (1) parking space. When more than one (1) pay stationed parallel parking space is occupied by a vehicle or any portion thereof the vehicle operator must make payment to the parking pay stations alongside of, next to, or in front of the spaces so occupied.
- (B) No person shall stop, stand or park a vehicle in a manner that causes the vehicle or any portion thereof to extend over the white line marking which designates the rear of a compact vehicle parking space in municipal parking areas or lots owned or operated by the city. A compact vehicle parking space is one which is eight (8) feet in width and sixteen (16) feet in length.

105-24.7.3.6 - House Trailers, Buses, Recreational Vehicles and Truck Tractors.

- (A) Prohibition. No person shall park any house trailer, bus, recreational vehicle unit or truck tractor with or without a trailer attached, within any zone (paid or complimentary [free]) within the parking lots, garages, spaces and the areas within the CRA.
- (B) Exemption. The provisions of this section shall not apply to official vehicles and vehicles that are authorized by the city to be engaged in television or film production or City authorized Special Events.
- (C) Penalty. Any violation of this section shall result in a fine of \$30.00.

105-24.7.3.7 - Stopping, Standing or Parking In Alleys.

- (A) No person shall stop, stand, or park a vehicle within an alley, except for the expeditious loading or unloading of materials, and in no event for a period of more than twenty (20) minutes, and no person shall stop, stand, or park a vehicle in any other alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic.
- (B) No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.

105-24.7.3.8 - Parking for Certain Purposes Prohibited.

- (A) No person shall park a vehicle upon any street, pay stationed parking space, parking lot, or garage, for the principal purpose of:
1. Displaying such vehicle for sale.
 2. Washing, greasing, or repairing such vehicle, except repairs necessitated by emergency.
 3. Displaying advertising.
 4. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the ordinances of this city.
 5. Storage or as junkage or dead storage for more than twenty-four (24) hours.

105-24.7.3.9 - One-Way Roadways.

- (A) Except where angle parking is permitted, no person shall stop, stand, or park a vehicle upon a two-way street unless the right-hand wheels of such vehicle are parallel to and within twelve (12) inches of the right-hand curb or edge of the street.
- (B) Except where angle parking is permitted, no person shall stop, stand, or park a vehicle upon a one-way street unless such vehicle is parked, stood, or stopped parallel to the curb or edge of the street, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or edge of the street, or its left wheels are within twelve (12) inches of the left-hand curb or edge of the street.

105-24.7.3.10 - Passenger Curb Loading Zones.

No person shall stop, stand, or park a vehicle for any purpose or period of time except for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such passenger curb loading zone are effective, and then only for a period not to exceed five (5) minutes.

105-24.7.3.11 - Restricted Parking Zones.

No person shall stop, stand, or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any

vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted.

105-24.7.3.12 - Buses and Taxicabs.

The operator of a bus or taxicab shall not stop, stand, or park upon any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision 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 engaged in the expeditious unloading or loading of passengers.

105-24.7.3.13 - Restricted Use of Bus and Taxicab Stands.

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

105-24.7.3.14 - Parking in Spaces Provided for Disabled Persons.

No person shall stop, stand or park a vehicle within any parking space specially designated and marked for the exclusive use of physically disabled persons only, unless such vehicle displays a parking permit issued pursuant to F.S. §§ 316.1958 or 320.0848, or a license plate issued pursuant to F.S. §§ 320.084, 320.0842, 320.0843 or 320.0845, and such vehicle is transporting a person eligible for such parking permit or license plate; provided, however, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit or a special license plate, momentary parking in any such parking space, for the purpose of loading or unloading such disabled person, and no penalty shall be imposed upon the driver for such momentary parking.

- (A) Payment is required for all vehicles in lots and garages. Only drivers of vehicles with specialized equipment such as a ramp, lift, or foot or hand controls, displaying the Florida Toll Exemption Permit, displaying a parking permit issued under Florida Statute 316.1958 or 320.0848, or displaying a license plate for disabled veterans issued under Florida Statutes 320.084, 320.0842 or 320.0845 are exempt from parking fees.

105-24.7.3.15 Head-in Parking

The downtown parking pay stations and phone app utilize a pay-by-plate system that features a license plate recognition camera. Each paid parking space shall require head-in parking. It shall be unlawful to back into any paid parking space.

105-24.7.4 – PARKING ENFORCEMENT

105-24.7.4.1 - Authority to Issue Citations for Nonmoving Violations

The parking manager and his designated representatives are hereby given authority to issue citations for nonmoving violations of this section. Concerning such nonmoving violations, the City Commission shall designate those for which payment may be made by fine and accepted by the Economic Development Department and shall further specify by suitable schedules the amount of such fines for first, second or subsequent offenses, provided such fines are within the limits provided by law.

105-24.7.4.2 - Schedule of Fines

- (A) The schedule of fines for parking violations within the city shall be established by resolution of the City Commission.
- (B) Parking violations are to be paid within thirty (30) calendar days from the date of issuance.
 - 1. Parking violation fines for which full payment is not received within thirty (30) calendar days from the date of issuance will be subject to a fifteen-dollar (\$15.00) penalty in addition to the citation fine for each citation issued.
 - 2. Parking violation fines and penalties for which full payment is not received within forty-five (45) calendar days from the date of issuance will be subject to an additional twenty-dollar (\$20.00) penalty, for a total of thirty-five dollars (\$35.00) penalty in addition to the citation fine for each citation issued.
 - 3. Pursuant to F.S. § 938.35, parking violation fines and penalties for which full payment is not received within ninety (90) calendar days from the date of issuance will also be subject to an additional collection fee if the account is referred to a collection agent. The amount of such collection fee shall not exceed forty (40) percent 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.

5. Overpayments. Any overpayments of fines/penalties will only be refunded if specifically requested within 90 days of receipt of the overpayment.
- (C) Overtime Parking Violation fines and penalties paid on the day of the violation, at the parking pay station shall be discounted by fifty percent (50%).
- (D) The Economic Development Department may dismiss parking citations under certain extenuating circumstances. These circumstances may include, but are not limited to, an improperly displayed permit or pay station receipt when a valid permit or receipt is later produced, disabled vehicle, verified official city business, ambulance transport, police undercover vehicles, utility service providers, or verified pay station malfunction.

105-24.7.4.3 - Overtime Parking

- (A) When any vehicle is parked in any space designated as paid parking, the owner, operator, manager or driver of such vehicle shall, upon entering the parking space, immediately make payment to the multi-space parking pay station. The parking space may then be used by such vehicle during the parking limits provided herein. If the vehicle shall remain parked in such parking space beyond the payment period and in that event such vehicle shall be considered parked overtime, a citation may be issued. A subsequent citation may be issued for each violation of the time limits provided on the legend of multi-space parking pay station. 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 (2) hours at a two-hour time limit parking pay station space for a vehicle that remains parked overtime.
- (B) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name or under his control to be parked overtime or beyond the lawful periods of time as set forth in this section.
- (C) It shall be the duty of the Economic Development Department to enforce the provisions of this section and to issue citations for all such violations.

105-24.7.4.4 - Presumption of Overtime Parking and Ownership of Vehicle.

- (A) The fact that an enforcement officer using a license plate recognition system in conjunction with a pay by plate multi-space pay station that shows no time remaining shall be presumptive evidence that the person who parked the vehicle then found standing in the parking space in the vicinity of a multi-space pay station failed to make payment as required therein or has permitted his vehicle to remain in such parking space for a period of time greater than that permitted for such payment. The

indication by such multi-space pay station of illegal parking shall be presumptive evidence of overtime parking.

- (B) Any overtime parking violation under this division shall raise the presumption that the vehicle involved was operated by the person in whose name such vehicle was registered.

105-24.7.4.5 - Use of Slugs, etc., in Pay Stations.

It shall be unlawful for any person to deposit or cause to be deposited in any parking pay station any slug, device, or substitute for a coin of the United States of America.

105-24.7.4.6 - Vehicles Parked on Public Property; Towing.

- (A) It shall be unlawful to stop, stand or park an unauthorized vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a law enforcement officer or official traffic-control device, in any public parking lot or parking area during hours when such parking lot or area is closed to the general public or upon any other public property where parking is restricted or prohibited.
- (B) Law enforcement officers and parking enforcement specialists are hereby authorized to direct the removal of any vehicle stopped, standing or parked in violation of this section if signs have been posted indicating that the parking lot, parking area or public property is a location from which vehicles will be removed if they are parked illegally.
- (C) Removal of vehicles from public property, parking lots or parking areas pursuant to this section shall be accomplished in accordance with the following procedure:
 1. Unless deemed an emergency or a public safety issue, law enforcement officers and parking enforcement specialists shall not have an illegally parked vehicle towed until 72 hours elapses from it being determined to be illegally parked.
 2. The law enforcement officer or parking enforcement specialist shall attempt to locate the owner or operator of the illegally parked vehicle within the immediate vicinity of the vehicle before causing the vehicle to be towed or removed.
 3. Once the vehicle is removed, a description of the vehicle shall be forwarded to the Sheriff which shall, as soon as practicable, attempt to ascertain the identity of the owner of the vehicle. Within twenty-four (24) hours, the city shall attempt to contact the owner of the vehicle to notify him of the removal and location of the vehicle.

4. If the city is unable to contact the owner or operator of the vehicle or if the vehicle remains unclaimed for forty-eight (48) hours, written notice of the towing and location of the vehicle shall be mailed to the registered owner of the vehicle.
5. Upon payment of the costs of towing and storage, a vehicle removed and impounded pursuant to this section will be released to the owner or operator.
6. An owner may secure the release of his vehicle without first paying the costs of towing and storage by posting a bond as provided by law.
7. Should the owner or operator of an illegally parked vehicle contesting the parking citation prevail in an administrative appeal conducted pursuant to section 105-24.7.4.9 or in a court of competent jurisdiction, the costs of removal and storage of the vehicle shall be borne by the city. If such an owner or operator has paid the towing and storage costs to obtain the release of his vehicle prior to prevailing in the administrative appeal or judicial proceeding, the city shall reimburse the owner or operator the full amount of such charges.

105-24.7.4.7 - Withholding of License Tags

The Economic Development Department shall periodically upload to the Department of Highway Safety and Motor Vehicles an electronic file, listing persons who have three (3) or more outstanding parking violations. Any person whose name appears on such a list will not be issued a license plate or revalidation sticker by the Economic Development Department until the outstanding parking violations are paid.

105-24.7.4.8. - Notice on Illegally Parked Vehicle

Whenever any motor vehicle without driver is found parked, stopped, or standing in violation of any of the restrictions imposed by ordinance of this city, the enforcement personnel finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a traffic citation or notice in writing, on a form provided by the Economic Development Department.

105-24.7.4.9 - Administrative Appeal.

Any person wishing to contest a parking citation may appeal to the Economic Development Department, as follows:

- (A) For defective pay stations: If a person who has received a citation for overtime parking believes the pay station for the parking space is defective or malfunctioning, such person shall notify the city's Economic

Development Department of possible defect or malfunction no later than 10:00 a.m. the following working day via:

1. Telephone call to the city's Economic Development Department to report such pay station defect or malfunction; or
2. Personally appearing at the Economic Development Department office to make such report.

If such a citation is received on a Saturday, Sunday or holiday, during which the office is closed, such report must be made within two (2) hours on the next working day the office is opened. City personnel shall then be dispatched to check the operation of such pay station. The person who received the citation shall be notified by telephone or regular mail of the results of the investigation into the operation of said pay station. If the pay station is found to be defective or malfunctioning, the citation will be excused. If the pay station is found to be functioning properly, the violator will be notified by the office as provided above and the time limits specified in section 105-24.7.4.2 (B) shall then begin to run anew, as if the citation was just issued.

(B) For any other parking violation:

1. Any person wishing to contest a parking citation may appeal and contest such citation by contacting the city's Planning & Development Department, as provided in paragraphs (A)(1) and (A)(2) above, within three (3) working days from the date the citation was issued and requesting an administrative appeals hearing. The city's Planning & Development Department will provide to the appellant an appeals hearing request form which is to be completed and returned to the city's Planning & Development Department within ten (10) working days of the date the citation was issued. The city's Planning & Development Department will then forward the completed appeals hearing request forms, which were received within the time specified above, to the Special Magistrate, within ten (10) working days of receipt.
2. The Special Magistrate shall set the hearing within sixty (60) calendar days from the date the appeals hearing request form was received by the Special Magistrate, and shall provide the person issued the citation at least seven (7) working days' advance notice of the date of the hearing. The notice shall be sent by regular mail to the address of the registered owner of the vehicle or, in the event that the driver of the vehicle is not the owner, to the driver's address if the driver has requested an administrative appeals hearing and provided his or her address to the city's Planning & Development Department when making a request for an administrative appeals hearing.

- (C) The person issued the citation may:
1. Be represented by counsel;
 2. Call and examine witnesses;
 3. Introduce exhibits;
 4. Cross examine opposing witnesses on any relevant matter; and
 5. Impeach any witness.
- (D) All hearings shall be conducted insofar as practical in accordance with the Florida Rules of Civil Procedure and 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 Special Magistrate officer, in the reasonable exercise of such Special Magistrate's discretion, to intervene in a pending proceeding.
- (E) Any person who receives a parking citation but who does not reside in Pinellas County, Florida, may contest the citation in writing by contacting, as provided in paragraphs (A)(1) and (A)(2) above, city's Planning & Development Department within three (3) days from the date of citation issuance and requesting an appeals hearing request form which is to be completed and returned to the city's Planning & Development Department, accompanied by all evidence upon which the person relies, within twenty (20) working days of the date the citation was issued. The completed appeals hearing request form and accompanying evidence, which were received within the time specified above, will then be sent by the city's Planning & Development Department to the Special Magistrate within ten (10) working days of receipt. The Special Magistrate will hear the case within 60 days of the date the appeals hearing request form and accompanying evidence was received by the Special Magistrate. The evidence presented must include a notarized statement by the person receiving the citation, which statement shall identify the citation at issue by its number and date of issuance, shall set forth the name and current address of the person cited, and may contain argument in defense against the citation. The Special Magistrate will not consider any statement that is not notarized.

The evidence submitted may include notarized statements of witnesses. Such statements must include the name and address of each witness as well as the basis of the witness' knowledge about the facts asserted in the statement. The evidence submitted may also include such documents that are relevant and material to the disposition of the citation. All evidence submitted is subject to the evidentiary rules and procedures set forth in this section.

- (F) Pursuant to Florida law, any person who elects to appear before a Special Magistrate or to contest a citation by mail, shall be deemed to have waived the right to pay the civil penalty amount set forth on the citation. The hearing or consideration of mailed-in admissible evidence will be decided within thirty (30) calendar days after the request for hearing was made or the evidence to be considered was received. After a hearing or consideration of mailed-in admissible evidence, the Special Magistrate shall make a determination based on the greater weight of the evidence as to whether a parking violation has been committed and shall issue an order imposing a civil penalty as set forth in section 105-24.7.4.2, as amended, of this code, in addition to applicable late fees. The Special Magistrate may grant additional time to pay the civil penalty amount and late fees; otherwise such fines are due and payable within ten (10) working days from the date the order of the Special Magistrate was issued. All orders shall be in writing and shall be signed and dated by the Special Magistrate. If, at the conclusion of the hearing or consideration of mailed-in admissible evidence, the Special Magistrate orders a dismissal of the citation because no violation was found, the hearing officer shall so state and issue an order of dismissal in writing, signed and dated by the Special Magistrate which shall contain findings of the facts supporting the order. A copy of such order will be forwarded to the person receiving the citation and to the city's Planning & Development Department.
- (G) An order of the Special Magistrate may be appealed by any party receiving an adverse ruling by filing a Petition for Writ of Certiorari in the Circuit Court of the 6th Judicial Circuit in and for Pinellas County, Florida, within thirty (30) calendar days from the date the order was issued.

105-24.7.5. - RESIDENTIAL PARKING PERMIT PROGRAM (RPPP)

105-24.7.5.1 - Designation of Residential Parking Permit Program Area.

- (A) The City Commission may designate by Resolution certain residential areas meeting and satisfying the criteria and procedures provided herein as a residential parking permit district in which motor vehicles owned by residents of the residential permit parking district displaying a valid parking permit may park without limitation by parking time restrictions established as provided herein.

- (B) The locations of the Residential Parking Permit Program Areas (RPPP Area) shall be established by resolution of the City Commission.

105-24.7.5.2 - Provisions of Resolution.

The designation Resolution shall describe the area designated as a residential parking permit district, the time limitation and period of the day when non-residential vehicles will be restricted from parking in the area, the cost of the permit, the days of the week when such restriction shall apply and such other information regarding the RPPP program to be established for a specific area.

105-24.7.5.3 - Conditions and Criteria for Designation of Residential Parking Permit Districts.

A residential area may be eligible for designation as a residential parking permit district if, on-street parking is impacted by non-resident vehicles during a certain period of the day.

105-24.7.5.4 - Issuance of residential parking permits.

- (A) Residential parking permits shall be issued by the Planning & Development Department as follows:
 - 1. The owner of property located within a RPPP area shall make application to the Planning & Development Department for a residential parking permit. The application shall contain:
 - a. The name of the owner, tenant of the property or both; and
 - b. Residence and mailing address of owner, tenant or both; and
 - c. A valid Florida License or State of Florida I.D. with photo, and address located within the RPPP area; or
 - d. Such other evidence of identification as deemed acceptable by the parking manager showing residency within the RPPP area.
- (B) The Planning & Development Department may issue parking permits to qualified applicants. The number of permits that may be issued per resident shall be as specified in the designation resolution adopted as provided in this division.
- (C) The permit shall display the city's seal, the year of issuance, the RPPP area street name or such information as approved by the parking manager.
- (D) The permit shall be valid for a one-year period unless otherwise provided by the designation Resolution adopted by the City Commission. Such permit shall be displayed in a location determined by the Planning & Development Department.

- (E) The residential parking permit shall be issued to qualified applicants upon payment of the fees approved as provided in the designation Resolution.
- (F) Residential permit parking. A motor vehicle displaying a valid residential parking permit as provided in this section shall be permitted to stop, stand or park on a restricted street within the RPPP Area for which the permit has been issued. A resident motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this section. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential parking permit district.
- (G) The residential parking permit must be used by the applicant for:
 - 1. Parking of the resident's vehicles unless otherwise provided in the resolution.
- (H) Guest residential parking permit. Guest residential parking permits ("Guest Permit") as provided in this division shall be distributed in accordance with the provisions of the designation Resolution. The designation resolution shall provide for the number of guest permits, who will distribute to guests of a resident and the period of time a guest permit may be used.

The guest parking permit must be used by the applicant for:

- 1. Parking of visitor's or guest's vehicles as that term is defined herein; and
- 2. Parking of commercial vehicles while the operator of the vehicle is actually involved in the performance of the commercial activity associated with the commercial vehicle.

105-24.7.5.5 – Prohibitions.

- (A) No person shall stop, stand or park a motor vehicle on any restricted street within a RPPP area during the times provided in the designation Resolution, and as the signs posted on such restricted street state that parking is not permitted unless the motor vehicle displays a valid residential parking permit or guest permit as provided by this division.
- (B) No person other than the permittee shall use or display the residential parking permit or guest permit on a motor vehicle other than that for which the permit is issued, and any such use or display by a person other than the permittee or guest on a motor vehicle for which the permit is issued shall constitute a violation of this division by the permittee and by the person who so used or displayed such residential parking permit.

- (C) It shall be 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 in an application to the parking manager in order to obtain a residential parking permit.
- (D) The parking manager 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 parking manager. Failure, when so required, to surrender a residential parking permit so revoked shall constitute a violation of this division. Once a permit is revoked, it will not be re-issued to that applicant for a one-year period and only upon a new application being filed.

105-24.7.5.6 – Penalty.

The penalty for a violation of this section shall be by issuance of a parking citation. The fine shall be thirty-dollars (\$30.00) per violation.

Section 2. That Appendix A-2 of Subpart B – Land Development Code of the Code of Ordinances of the City of Dunedin is hereby created to read as follows:

APPENDIX A-2: PAID PARKING DEFINITIONS

The following words and phrases, when used in Section 105-24.7 - PAID PARKING, LDC, shall have the following meanings, except where the context clearly indicates a different meaning. These definitions supplement F.S. § 316.003.

Bus means any motor vehicle originally designed or used for transporting ten (10) or more passengers, whether or not such transportation is for compensation, which vehicle is not owned and operated by a governmental entity.

Bus stand means a fixed area in the roadway parallel and adjacent to the curb to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.

Center or centerline means a continuous or broken line marked upon the surface of a roadway by paint or otherwise to indicate each portion of the roadway allocated to traffic proceeding in the two (2) opposite directions, and, if the line is not so painted or otherwise marked, it is an imaginary line in the roadway equally distant from the edges or curbs of the roadway.

Commercial vehicle means every vehicle designed, used or maintained primarily for the transportation of property.

Common carrier means all common carriers of passengers operating between fixed termini, over regular routes and on fixed schedules.

Courier zone means a space reserved for the parking of vehicles during the delivery of documents or small packages.

Curb loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Designation resolution means a Resolution adopted by the City Commission designating certain residential areas meeting and satisfying the criteria and procedures provided herein as a residential parking permit district in which motor vehicles owned by residents of the residential permit parking district displaying a valid parking permit may park without limitation by parking time restrictions established as provided herein.

Double parking or double standing or double stopping means the parking, standing or stopping of a vehicle upon the roadway side of another vehicle parking, standing or stopping in a legal parking space or upon the roadway side but not legally within an adjacent open parking space.

Freight curb loading zone means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

Guest means a person who is visiting a residence for a period less than twenty-four (24) hours.

Guest permit ("GRP") means a permit issued to residents for guests, visitors or commercial vehicles parked on a street within a RPPP area.

Holidays, in addition to Sundays where posted on certain pay stations, means those entire days declared by the City to be legal holidays which are New Year's Day, Martin Luther King, Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

House trailer means any enclosed wheeled device or vehicle designed or constructed and equipped for use as a dwelling place, living abode or sleeping place, either permanently or temporarily, and equipped for use as a conveyance on a roadway.

Non-residential vehicle means a motor vehicle parked on a public right-of-way in a residential area that is registered to a person who is not a resident of such residential area, and who is not displaying a residential parking permit ("RPP") for the particular vehicle as provided in this code.

Official time standard means the standard time or daylight saving time as may be in current use in this city.

Parking means the stopping of a vehicle upon a restricted street otherwise than in obedience to traffic regulations or traffic signs or signals for a period longer than reasonably necessary to load or unload passengers or freight.

Parking pay station means a mechanical/digital timing device authorized by ordinance of this city to be used for the purpose of regulating parking.

Parking pay station zone means a restricted street, boulevard, avenue, drive or court upon which parking pay stations are installed and in operation.

Parking manager means the person authorized to administer the provisions of this section, or his designee.

Payment means payment by use of credit/debit card, Pay By Phone, and/or United States of America coins ~~and/or bills~~.

Passenger curb loading zone means an area adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Public place means any publicly owned way, street, alleyway, avenue, road, boulevard, highway, parking lot, parking space or area, park or any other similar area.

Recreational vehicle unit means any vehicle designed or primarily used for recreational, camping or travel use which either has its own motor power or which is mounted upon or drawn by another vehicle and is used or designed to be used as temporary living or sleeping quarters. The term does not include any vehicle commonly known as a van or any vehicle commonly known as a pickup truck which carries an enclosure in the truck bed, if any such vehicle is not equipped for use as living or sleeping quarters.

Residence means a space, area or portion of a building designed for and to be occupied by one (1) or more persons as a dwelling, with cooking facilities for the exclusive use of such persons.

Resident means a person residing in a residence within the RPPP area.

Residential area means a contiguous or nearly contiguous area containing public streets and highways or parts thereof abutted primarily by property zoned or used for a residential use as defined by the City's Land Development Code.

Residential Parking Permit Program (RPPP) means a permit issued by the parking manager as provided herein for the privilege of parking on a street within a "residential parking permit area."

Residential Parking Permit Program Area means a residential area designated for restricted residential parking by the city commission pursuant to the criteria and procedures established herein.

Restricted street, with regards to a residential parking permit district, means a street located within a residential parking permit district, designated for restricted residential parking by the city commission pursuant to the provisions of this division. A street as used herein shall include the paved area used for vehicular travel and abutting the swale area.

Restricted street means that part of any public street, avenue, road, boulevard, highway or other public place established for the use of vehicles within the city and restricting parking to a limited period only.

Taxi, taxicab means a vehicle conveying passengers for hire at a rate of fare permitted by ordinance and for which vehicle the owner or operator thereof provides a person to direct, drive and operate such vehicle and which is equipped and operated with a pay station as provided by ordinance.

Taxicab stand means a fixed area on the roadway parallel and adjacent to the curb set aside for taxicabs to stand or wait for passengers.

Truck tractor means any motor vehicle designed or primarily used for drawing another vehicle, such as a trailer, and not constructed to carry a load (other than a part of the vehicle and its load, if any, which is drawn), which vehicle is not owned and operated by a governmental entity.

Visitor means a person who is visiting a residence within a RPPP area for a period of more than twenty-four (24) hours.

Section 3. That Sections 74-42 and 74-43 of the Code of Ordinances are hereby repealed and Section 74-44 is hereby renumbered as Section 74-42.

Section 4. That this Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 22nd day of September, 2016.



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED:	<u>August 25, 2016</u>
READ SECOND TIME AND PASSED:	<u>September 8, 2016</u>
READ THIRD TIME AND ADOPTED:	<u>September 22, 2016</u>