CITY OF SANIBEL

ORDINANCE 20-007

AN ORDINANCE AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 2, BEACH AREA PARKING RESTRICTIONS, SUBDIVISION III, PERMITS, SECTION 66-85 – FEES; HOURS; PROVIDING FOR AN INCREASE IN IN THE CIVIL PENALTY FINE; PROVIDING FOR A PILOT PROGRAM FOR BOAT RAMP USE FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sanibel, in its May 12, 2020, City Council meeting, voted to temporarily raise beach area parking fines from \$75.00 to \$200.00 in order to curb illegal beach area parking; and

WHEREAS, since the immediate impetus for this change was significantly increased pressure on the beaches resulting from the COVID-19 pandemic, this parking fine increase was formalized in Proclamation No. 20-028, as extended; and

WHEREAS, the increased fine functioned as planned, significantly curbing illegal beach

area parking; and

WHEREAS, on September 25, 2020, the Governor of Florida issued Executive Order 20-

244, which, among other things, suspended all COVID-19-related individual fines and penalties, which had the effect of nullifying the increased parking fine emplaced by Proclamation No. 20-028; and

WHEREAS, the City Council at its October 6, 2020 City Council Meeting, recognizing the effectiveness of the temporarily increased fine, voted unanimously to permanently increase the civil penalty for all parking violations related to parking in unauthorized locations to \$150.00 for violations of the City of Sanibel Code of Ordinances beach area parking restrictions; and WHEREAS, the City Council similarly desires to curb the recently increased unpaid use of the City's boat ramp facilities, which has resulted in use delays by those who have paid for parking decals or who have paid for general parking permits ("pay and display" receipts); and

WHEREAS, the City Council has determined a test a pilot program for boat ramp use at the public boat ramp facility located at 888 Sextant Drive is appropriate for the period of January 4, 2021 through April 4, 2021, at a flat-rate use fee of \$20.00 per day; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel, Florida:

SECTION 1. The Code of Ordinances of the City of Sanibel, Chapter 66, Traffic, Article

II, Parking, Stopping and Standing, Division 2, Beach Area Parking Restrictions, Subdivision III,

Permits, Section 66-85, Fees; Hours, Subsections (c) and (e) are hereby amended, with underlining

indicating additions and strikethrough indicating deletions, to read as follows:

Sec. 66-85. Fees; hours.

- (a) The following schedule shall constitute the parking permits schedule of fees:
 - a. Resident and/or Sanibel ad valorem taxpayer property owners parking permits ("A" decals)\$14.00
 - b. Full-time and part-time City of Sanibel employees and City of Sanibel retirees14.00
 - (2) Restricted parking permits ("B" decals):
 - a. Nonresident and non-Sanibel ad valorem taxpayer property owners124.00
 - (3) Restricted parking permits ("C" decals)99.00
 - (4) Combination parking permits:
 - a. Resident ("AC" decals)113.00
 - b. Nonresident ("BC" decals)248.00
 - (5) General parking permits ("pay and display" receipts):
 - a. General parking permits, per hour or any fraction5.00
 - b. General parking at Gulfside City Park permits, per hour or any fraction5.00
 - c. General parking at Bowman's Beach Park permits, per hour or any fraction5.00
 - d. Resident and restricted parking permits issued shall not be pro-rated. Cost of permits will remain the same throughout.

- e. General parking at Lighthouse Park facility permits, per hour or any fraction5.00
- f. General parking or boat ramp use at the public boat ramp facility located at 888 Sextant Drive, per day or any fraction20.00
- g.f. Transfer or re-issue (residential and restricted only)3.00
- (b) The fees set forth in this section for general parking permits shall apply 24 hours per day for all city facilities with paid parking, including, without limitation, Blind Pass, boat ramp, Bowman's Beach, Blind Pass, Gulfside City Park (Algiers), Lighthouse beach and fishing pier and Trost parking lot facilities; however the fees set forth in (a)(5)f. of this section shall only apply from the period of January 4, 2021 through April 4, 2021, after which fees for general parking or boat ramp use at the described facility shall automatically revert to the fee schedule described in (a)(5)a. of this section, unless permanently adopted, extended, modified, or terminated by the city council prior to such automatic termination date.
- (c) Civil penalty...... (if paid within 14 days of violation)..... \$50.00 150.00

.....(if paid after 14 days of violation)...... \$75.00

- (d) Filing fee..... \$10.00
- (e) It is unlawful for any vehicle to park in unauthorized locations or without the appropriate parking permit. The driver and the owner of the vehicle in violation of this section shall be subject to the penalty set forth in subsection (c) above, plus the filing fee set forth in subsection (d). If the vehicle in violation of this section is parked in an authorized location and the sole violation is an expired permit and payment is received within 14 calendar days from the date the ticket is written, a discount of \$25.00 \$50.00 will be granted, and the civil penalty shall be \$50.00 \$100.00, plus the filing fee set forth in subsection (d).
- (f) Each citation issued for a violation shall advise that the court shall assess an additional charge of \$40.00 in court costs against the defendant pursuant to F.S. § 34.045(1)(b), in the event that the court finds a defendant in violation of this section.
- (g) It shall be unlawful and a violation of this section to provide false information or to make misrepresentations of residency, taxpayer status or any other matter in order to obtain, or attempt to obtain, a parking permit or decal as required by the ordinance from which this section derives. Any such violation shall be subject to the penalty and shall be prosecuted in accordance with the provisions of subsections 1-15(a) through (g) of the Sanibel Code of Ordinances.
- (h) For purposes of efficient administration in increasing and charging fees pursuant to subsection (a)(1-4) of this section, the following rules shall be used in calculating the fee increases. Commencing with the 2021-2022 fiscal year, and for each fiscal year of the city thereafter, all fees set forth subsection (a)(1-4) of this section shall be automatically increased by a percentage amount equal to the prior 12 month average of the Consumer Price Index For All Items For South Urban Consumers, as published monthly by the Bureau of Labor Statistics, United States Department of Labor. In the event the immediately preceding 12 months of the Consumer Price Index are not available, the last 12 published and available months of the Consumer Price Index shall be used to determine the average monthly percentage increase. The new fees for each fiscal year, as increased pursuant to this section, shall be effective commencing October 1st of each such fiscal year and the

increased fees shall be adopted by resolution of the city council and available from the city clerk and city police department.

- (1)For any fee between \$10.00 and \$99.99 prior to the applicable fiscal year increase, the increased fee, if ending in a fraction of \$0.25, shall be rounded to the next highest \$0.25; provided, however, that the minimum increase of any such fee shall be \$0.25; and
- (2) For any fee of \$100.00 or more prior to the applicable fiscal year increase, the increased fee, if ending in a fraction of \$1.00, shall be rounded to the next highest \$1.00; provided, however, that the minimum increase of any such fee shall be \$1.00.

SECTION 2. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 3. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 4. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 5. Effective date. This Ordinance shall be effective 14 days after adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 1st day of December, 2020.

Mic Denham

. Mayor

AUTHENTICATION:

Scotty Lynn Kelly, Acting City

2/1/20 APPROVED AS TO FORM: John D. Agnew, City Attorney Date

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First Reading:	November 3, 2020
Publication Notice:	November 17, 2020
Second Reading:	December 1, 2020

Vote of Council Members:

Denham	yea
Smith	yea
Johnson	yea
Goss	yea
Muench	yea

Date filed with City Clerk: December 1, 2020