

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 ~~strike through~~ indicating deletions, to read as follows:

Sec. 66-85. Fees; hours.

- (a) The following schedule shall constitute the parking permits schedule of fees:
 - (1) 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.

- (c) Civil penalty.....(if paid within 14 days of violation)..... \$50.00 150.00
(if paid after 14 days of violation)..... \$75.00

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.

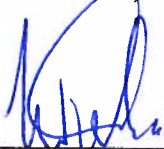
SECTION 2. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

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.



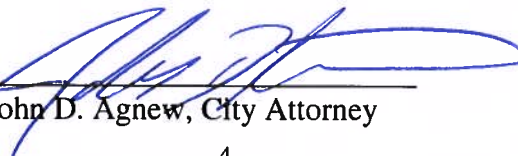
Mick Denham, Mayor

AUTHENTICATION:



Scotty Lynn Kelly, Acting City Clerk

APPROVED AS TO FORM:



John D. Agnew, City Attorney

12/1/20
Date

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

Vote of Council Members:

<u>Denham</u>	<u>yea</u>
<u>Smith</u>	<u>yea</u>
<u>Johnson</u>	<u>yea</u>
<u>Goss</u>	<u>yea</u>
<u>Muench</u>	<u>yea</u>

Date filed with City Clerk: December 1, 2020