

CITY OF CORAL GABLES, FLORIDA

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

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING CHAPTER 74, "TRAFFIC AND VEHICLES" OF THE CITY OF CORAL GABLES CODE TO PROVIDE ADDITIONAL DEFINITIONS AND PROHIBIT PRIVATELY-OWNED, METERED SURFACE PARKING LOT OPERATORS FROM ISSUING PARKING VIOLATIONS TO MOTOR VEHICLES PARKED IN SAID PRIVATELY-OWNED, METERED SURFACE PARKING LOTS, AND CHAPTER 1, "GENERAL PROVISIONS", SECTION 1-7 ENTITLED "PENALTIES" TO INCLUDE ADDITIONAL PENALTIES FOR VIOLATIONS OF CHAPTER 74; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the City of Coral Gables ("City") has received numerous complaints alleging that certain private parking lot owners and operators have been placing ~~fake~~ parking tickets on the windshields of their customers who either did not pay a parking fee or whose time for parking elapsed which have a high likelihood of confusion in their appearance as they appear to be issued by a Governmental Agency (hereinafter referred to as "Non-City Issued Tickets"); and

**WHEREAS**, these Non-City Issued Tickets ~~fake parking tickets~~ are designed to look like real Miami-Dade County parking tickets in form and appearance and in some cases, even have the orange stripe that is identical to the official Miami-Dade County Uniform Parking Citations issued by the City of Coral Gables; and

**WHEREAS**, there is no basis in the City of Coral Gables City Code or the Miami-Dade County Code for a privately-owned, metered surface parking lot owner or operator to issue any such Non-City Issued Tickets ~~fake parking violations~~ thereby rendering the Non-City Issued Tickets ~~parking tickets~~ null and void; and

**WHEREAS**, the City has received complaints from visitors and residents regarding the excessive and punitive nature of the Non-City Issued Tickets ~~fake parking tickets~~ being issued by privately-owned, metered surface lot operators within the City, often the penalty and late fees stated in the violations exceed posted parking rates many times over; and

**WHEREAS**, unsuspecting motorists may not realize that they have received a Non-City Issued Tickets ~~fake parking ticket~~ versus a valid Miami-Dade County Uniform Parking Citation and actually pay the violation to what they think is a City of Coral Gables or Miami-Dade County citation and thereby unjustly enrich the parking lot owner or operator; and

**WHEREAS**, the City understands that while privately-owned, surface parking lot owners and operators must have a way to collect payment from patrons; there are alternatives available to the owners and operators, including physical barriers, the presence of attendants, in addition to the ability to boot and tow pursuant to Sections 74-85 and 74-86 of the City Code; and

**WHEREAS**, it is in the best interests of the City to prohibit the practice of the issuance of parking tickets by privately-owned, metered surface parking lot operators; and

WHEREAS, the City Commission finds that this Ordinance is necessary on the grounds of an urgent need for the preservation of health, safety, welfare, or property of the public and the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** That Chapter 74, "Traffic and Vehicles," of the Official Code of the City of Coral Gables, Florida and Chapter 1, "General Provisions" be hereby amended as follows with deletions indicated by ~~strike through~~ and insertions indicated by underline:

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## CHAPTER 74- TRAFFIC AND VEHICLES

### ARTICLE I-- IN GENERAL

#### Sec. 74-1. - Definition.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The definitions in F.S. § 316.001 apply to this chapter.

*Alley* means a narrow thoroughfare dedicated or used for public use upon which abut generally the rear of the premises, or upon which service entrances or buildings abut, which is not generally used as a thoroughfare by both pedestrians and vehicles, or which is not used for general traffic circulation, and is not otherwise officially designated as a street.

*Center parkway* means such stretch of land planted in grass, or shrubbery, or both, which is flanked on either side by a street.

*Commercial vehicle* means a vehicle designed, used or maintained primarily for a commercial purpose.

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

*Employee parking lot* means any area owned by the city and assigned as an area for persons to park providing they have secured the proper permit and paid a fee as established by the city commission.

*General public use parking* means any parking spaces developed by the city or privately developed pursuant to an approved entitlement with the city where the spaces are in excess of minimum parking requirements found in the zoning code (section 5-1409).

*Holidays* are as established by section 1-2.

*Operator* means and includes every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner.

*Other governing body* means any governing body other than the city commission.

*Parking area* means any on-street parking lane, city-owned parking lot or parking garage, located in the city and dedicated to the use of parking vehicles.

*Parking garage* means any building owned by the city and used for the parking of vehicles upon payment of a fee as established by the city commission.

*Parking lot* means any property owned by the city and assigned as an area for the parking of vehicles.

*Parking meter* means any mechanical or electronic device or application used to regulated parking by collecting revenue in exchange for the right to park a vehicle in a particular place for a limited amount of time.

*Privately-owned, metered surface parking lots* means privately-owned and/or operated surface parking lots available for public parking upon payment, and shall not include the surface owned and/or operated by the University of Miami or any hospitals within the City of Coral Gables.

*Ridesharing service* means a bonafide ridesharing service, including taxis or taxicabs.

*Swale* means that portion of land lying between a sidewalk and street.

*Taxi or taxicab* means a licensed public motor vehicle for hire designed and constructed to seat not more than seven persons and operating as a common carrier on call or demand.

*Vehicle* means any device in, upon or by which any person or property is or may be transported into a parking area.

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### **ARTICLE III – STOPPING, STANDING AND PARKING**

#### **Division 2. Parking Meters and Parking Areas**

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##### **Section 74-84.0 Signage and other requirements.**

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##### **Sec. 74-84. - Signage and other requirements.**

- (a) All pay stations and signage at privately-owned, metered surface parking lots shall be noticeably different in color, shape and markings than city pay stations.

- (b) All privately-owned, metered surface parking lots shall prominently display signs explaining that the lot is privately owned and citing Sections 74-875 and 74-886. Any electronic device or application used to collect revenue in exchange for the right to park a vehicle on the privately-owned, metered surface parking lots shall also display information stating that the lot is privately owned and citing Sections 74-85 and 74-86.
- (c) The parking rate and hours of operation for the surface parking lot must be prominently displayed on signs clearly visible at the parking lot entrance and pay station. Signs must also include a phone number to contact the parking lot operator.
- (d) It shall be unlawful for any person engaged in the operation of a privately-owned, metered surface parking lot to issue a notice of violation, citation, or ticket to any vehicle that is parked on the lot under their control. Any such notice of violation, citation, or ticket is declared null, void, and unenforceable.
- (e) Any person issuing any such notice of violation, citation, or ticket to any vehicle that is parked on the lot under their control shall be subject to penalty described in Section 1-7 of the City Code.
- (f) Any privately-owned, metered surface parking lot owner or operator who authorizes the issuance of any such notice of violation, citation, or ticket to any vehicle that is parked on a lot under their control shall be subject to fines as provided in section 1-7. Any such notice of violation, citation, or ticket found to be placed upon any vehicle or electronically issued against the vehicle parked on a lot under their control shall be prima facie evidence of a violation of this Section.
- (g) A third violation may result in the revocation of the operator's business license, effectively disallowing the operation of the parking lot until the license is reinstated by the city manager. Such reinstatement may include the imposition of conditions and collection of fines. Along with the prescribed fines, the operator shall also reimburse patrons for any payments received pursuant to receipt of any violation, citation or ticket in excess of the actual accrued posted parking fees.
- (h) In addition to any other remedies provided by this Section or any other City ordinance, the City Attorney or designee shall have judicial remedies available for violations of this Section including but not limited to:
  - (1) The institution of a civil action in a court of competent jurisdiction to establish liability and to recover damages for any costs incurred by the City in conjunction with the abatement of any condition prohibited by the provisions of this Chapter.
  - (2) The institution of a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with the terms of this Chapter or any rule or regulation promulgated hereunder, to enjoin and prohibit said violation, or to compel the performance of actions which will result in compliance with the terms of this Chapter.

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## CHAPTER 1- GENERAL PROVISIONS

### Sec. 1-7. - Penalties.

- (a) In this article the term "violation of this Code" means any of the following:
- (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation, an infraction, a civil infraction or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
  - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
  - (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation, an infraction, a civil infraction or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- (b) In this section the term "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this article.
- (c) Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be punished:
- (1) Pursuant to F.S. § 162.22, by a fine of not more than \$500.00, imprisonment for a term not exceeding 60 days, or any combination thereof.
  - (2) Pursuant to F.S. § 162.21, by a civil penalty not to exceed \$500.00.
  - (3) Pursuant to F.S. § 162.09, if enforcement is by the code enforcement board or a special master, by a fine that shall not exceed \$1,000.00 per day per violation for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature. Such fines for each day the violation continues past the date set by the enforcement board or special magistrate for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code enforcement board or special magistrate. (See Code chapter 101, article V.)
  - (4) Any combination of the above.
- (d) In addition to and not in lieu of other penalties referenced in subsection (c) of this section, penalties for violations of the following provisions are as follows:

Chapter 74. Traffic and Vehicles

<i>City Code</i>	<i>Description of Violation</i>	<i>Penalty</i>
CC 74-84	<u>Signage and Other Requirements</u>	<u>\$500.00 fine for the first violation \$1,000.00 fine for the second violation</u>

**SECTION 3.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 5.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

**SECTION 6.** This Ordinance shall become effective upon the date of its adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2019.

APPROVED:  
RAUL VALDES-FAULI  
MAYOR

ATTEST:  
BILLY Y. URQUIA  
CITY CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:  
MIRIAM SOLER RAMOS  
CITY ATTORNEY