

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-16

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AMENDING THE CITY CODE, CHAPTER 1-GENERAL PROVISIONS, SECTION 1-7 ENTITLED "PENALTIES" TO INCLUDE ADDITIONAL PENALTIES FOR VIOLATIONS OF CHAPTER 74 , ENTITLED "TRAFFIC AND VEHICLES; PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission has been presented with an Ordinance on Second Reading entitled "AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AMENDING THE CITY CODE, CHAPTER 74, ENTITLED "TRAFFIC AND VEHICLES"; TO INCLUDE ADDITIONAL DEFINITIONS; ADDITIONAL PROHIBITIONS; ADDITIONAL PROVISIONS; PROVIDING FOR ADMINISTRATIVE APPEAL PROCEDURES; PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE", and

WHEREAS, that proposed ordinance amends the City Code and creates additional prohibitions and provisions; and

WHEREAS, violations of those sections of the code would be processed through the City directly, rather than through the Miami-Dade County Parking Violation Bureau, through the Miami-Dade County Clerk of Court; and

WHEREAS, This ordinance amends Chapter 1 "General Provisions", Section 1-7 "Penalties" of the official City Code in order to include penalties for violations of Chapter 74 "Traffic and Vehicles" as amended by the related ordinance;

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. Chapter 1 "General Provisions", Section 1-7 " Penalties" of the Official Code of the City of Coral Gables is hereby amended in Attachment A, with deletions are indicated by ~~striketrough~~ and insertions indicated by underline.

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 All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.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

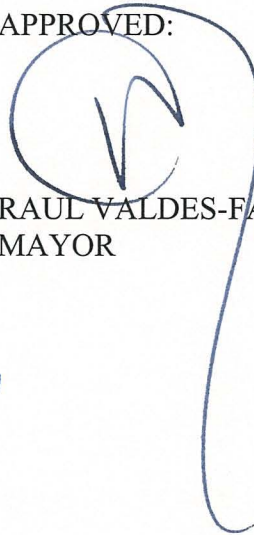
SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the Official Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon termination or cancellation of any and all relevant inter-local agreements and contracts between the City and the Miami-Dade Clerk of Courts and the City’s assumption of all administrative and enforcement duties related to the Chapter 74 of the Official Code of the City of Coral Gables as amended.

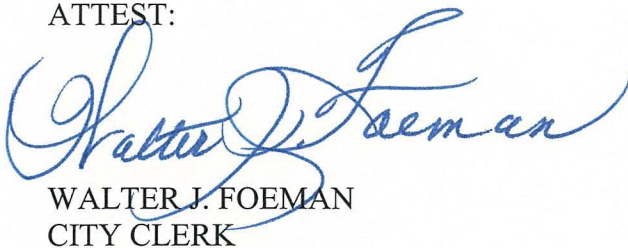
PASSED AND ADOPTED THIS EIGHTH DAY OF MAY, A.D., 2018.
(Moved: Quesada / Seconded: Mena)
(Yeas: Keon, Lago, Mena, Quesada, Valdes-Fauli)
(Unanimous: 5-0 Vote)
(Agenda Item: F-4)

APPROVED:

A large, stylized handwritten signature in blue ink, consisting of a large circle with a vertical line and a curved line extending downwards.

RAUL VALDES-FAULI
MAYOR

ATTEST:

A handwritten signature in blue ink that reads "Walter J. Foeman".

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

A handwritten signature in blue ink that reads "Miriam Soler Ramos".

MIRIAM SOLER RAMOS
CITY ATTORNEY

ATTACHMENT A

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 74-49	Parking on private or public property	Fine of not more than \$250.00, or imprisonment for not less than one day, nor more than ten days, or by both such fine and imprisonment
<u>CC 74-64</u>	<u>Parking without a valid license plate</u>	<u>Fine of \$33.00</u>
<u>CC-74-78,</u>	<u>Parking after violation shows on meter</u>	<u>Fine of \$25.00</u>

ATTACHMENT A

<u>CC 74-79,</u> <u>CC 74-80</u>		
<u>CC-74-78,</u> <u>CC 74-79,</u> <u>CC 74-80</u>	<u>Parking for a period longer than designated on meter giving notice thereof or longer than indicated in electronic payment system</u>	<u>Fine of \$25.00</u>
<u>CC 74-77</u>	<u>Parking improperly</u>	<u>Fine of \$25.00</u>
<u>CC 74-51</u>	<u>Stopping, Standing, or parking a vehicle where prohibited in specified places</u>	<u>Fine of \$35.00</u>
<u>CC 74-54</u>	<u>Parking longer than time designated on signs on certain streets</u>	<u>Fine of \$30.00</u>
<u>CC 74-88</u>	<u>Parking in a manner other than parallel except where expressly designate</u>	<u>Fine of \$30.00</u>
<u>CC 74-88</u>	<u>Parking vehicle more than 12 inches from curb or edge of sidewalk</u>	<u>Fine of \$30.00</u>
<u>CC 74-88</u>	<u>Parking vehicle in direction opposite to authorized traffic movement</u>	<u>Fine of \$30.00</u>
<u>CC 74-50</u>	<u>Parking so as to obstruct a lane of traffic in a commercial or mixed-use zone</u>	<u>Fine of \$100.00</u>
<u>CC 74-89</u>	<u>Unlawful parking or obstructing flow in public alley in non-residential zones</u>	<u>Fine of \$32.00</u>
<u>CC 74-58</u>	<u>Parking in passenger curb loading zone</u>	<u>Fine of \$30.00</u>
<u>CC 74-59</u>	<u>Parking in a freight curb loading zone</u>	<u>Fine of \$50.00</u>
<u>CC 74-59</u>	<u>Using freight curb loading zone for more than 30 minutes</u>	<u>Fine of \$30.00</u>
<u>CC 74-81</u>	<u>Parking in restricted permit parking zone</u>	<u>Fine of \$30.00</u>

ATTACHMENT A

<u>CC 74-61</u>	<u>Bus or taxicab parked in business district in location other than bust stop or taxicab stand, respectively</u>	<u>Fine of \$30.00</u>
<u>CC 74-62</u>	<u>Unauthorized parking in bus stop or taxicab stand</u>	<u>Fine of \$30.00</u>
<u>CC 74-63</u>	<u>Improper angle parking</u>	<u>Fine of \$30.00</u>
	<u>Parking in parking spaces provided for disabled persons</u>	<u>*As provided by state statute</u>
<u>CC 75-51</u>	<u>Parking in Fire lanes</u>	<u>\$100.00</u>
<u>CC 75-51</u>	<u>Parking so as to block a fire hydrant (15 feet)</u>	<u>\$50.00</u>
	<u>All violations not otherwise listed herein</u>	<u>\$35.00</u>
<u>CC 74-87(a)</u>	Towing of vehicles in privately-owned, metered surface parking lot	\$500.00 fine for the first violation 1,000.00 fine for the second violation
<u>CC 74-88(b)</u>	Booting of vehicles in privately-owned, metered surface parking lots.	\$500.00 fine for the first violation 1,000.00 fine for the second violation
<u>CC 74-107</u>	Conducting valet parking without permits	Civil penalty of \$100.00
<u>CC 74-111(2)</u>	Valet parking violations	See separate table, infra
<u>CC 74-144</u>	Permit parking violations	Fine of \$23.00, and if paid after 30 days, a fine of \$42.00
<u>CC 74-207</u>	Public use spaces within a private development	Civil fine

Valet Parking Violations (City Code § 74-111(2))

ATTACHMENT A

<i>Offense</i>	<i>Civil fine</i>
Unauthorized/illegal ramping, per offense	\$150.00
Unauthorized/illegal storage, per offense	\$250.00
Operation without valet parking permit, per offense, per day may be imposed per vehicle	\$250.00
Failure to follow approved route between pickup and delivery zones and the designated storage area, per offense	\$75.00
Penalty for lapse in required insurance coverage from date of lapse, per offense, per day	\$250.00
No name tag, per offense	\$25.00
No uniform, per offense	\$25.00
No valid Florida driver's license, per offense and immediate removal of the employee from valet parking operations	\$500.00
Noncompliance with valet employee list, per day	\$25.00
Repeat violators, per offense	\$500.00
Violations after initial suspension, per offense	\$1,000.00
Usage of unauthorized tow service, per offense	\$250.00
Other violations of the city code, per offense	\$150.00
<u>Late payment for violations of Chapter 74</u>	<u>\$15.00</u>

- (e) Except as otherwise provided by law or ordinance:
 - (1) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense as it is considered a running fine.
 - (2) With respect to other violations, each act constitutes a separate offense.
- (f) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise, or other administrative sanctions.

ATTACHMENT A

- (g) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief. (Code 1958, § 1-8; Code 1991, § 1-12; Code 2006, §§ 1—7, 101-184, app. A; Ord. No. 2015-17, § 2 (exh. I), 6-16-2015)

FEE COMPARISONS

Violation	Proposed Coral Gables	Miami-Dade County	Fort Lauderdale ¹	Palm Beach County ²	Fort Myers	Tampa	Naples
Parking without valid license plate	\$33.00	\$33.00		\$15.00 for pedestrian regulations		\$24.00	
Parking after violation shows on meter	\$25.00	\$18.00	\$32.00	\$30 for non-moving violations	\$15.00	\$24.00	\$35.00
Parking continuously in excess of maximum time permitted on meter	\$25.00	\$18.00	\$32.00		\$15.00	\$24.00	\$35.00
Parking for a period longer than designated on meter giving notice thereof	\$25.00	\$18.00	\$32.00		\$15.00	\$24.00	
Parking improperly by not parking wholly within meter parking space	\$25.00	\$18.00	\$32.00			\$29.00	
Parking improperly by not having front of vehicle next to meter or by making meter not visible from street	\$25.00	\$23.00					
Prohibited at all times in certain places	\$35.00	\$28.00	\$37.00		\$50.00		\$35.00
Prohibited at all times on	\$35.00	\$28.00	\$37.00				\$35.00

¹ Fort Lauderdale has a \$37.00 fee for all violations not listed. Ordinance proposes \$35.00 for all violations not listed.

² Palm Beach County uses FS 318.18 - Amount of penalties to determine fines.

FEE COMPARISONS

certain streets							
Prohibited during certain hours on certain streets	\$35.00	\$28.00	\$32.00				\$35.00
Parking longer than time designated on signs on certain streets	\$28.00	\$23.00	\$32.00				
Parking in other than parallel position on two-way roadway	\$28.00	\$23.00					
Parking vehicle more than 12 inches from curb or edge of roadway	\$28.00	\$23.00					
Parking vehicle in direction opposite to authorized traffic movement	\$28.00	\$23.00	\$37.00				\$35.00
Parking so as to obstruct traffic on street (Coral Gables- in Mixed-Use Zone)	\$100.00	\$28.00	\$37.00			\$29.00	\$35.00
Unlawful parking or obstructing traffic in alley in non-residential zone	\$32.00	\$28.00	\$37.00			\$29.00	\$35.00
Parking in passenger curb loading zone	\$28.00	\$23.00			\$50.00	\$29.00	\$35.00
Parking in freight curb loading	\$50.00	\$23.00	\$37.00		\$50.00	\$29.00	\$35.00

FEE COMPARISONS

zone							
Using freight curb loading zone for more than 30 minutes	\$28.00	\$23.00	\$37.00		\$50.00	\$29.00	\$35.00
Parking in restricted parking permit zone	\$28.00	\$23.00	\$37.00		\$50.00	\$29.00	\$35.00
Bus or taxicab parked in business district other than at bus stop or taxicab stand, respectively	\$28.00	\$23.00				\$29.00	\$35.00
Parking in bus stop or taxicab stand	\$28.00	\$23.00				\$29.00	
Improper angle parking	\$28.00	\$23.00					
Parking in parking spaces provided for disabled persons	As set by state statute		\$250.00		\$200.00	\$250.00	\$250.00
Parking in Fire Lanes	\$50.00		\$42.00		\$50.00	\$30.00	\$35.00
Blocking Fire Hydrant (15 Feet)	\$50.00		\$40.00		\$50.00	\$30.00	\$35.00