

## **ORDINANCE NO. 18-2018**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 118, TRAFFIC AND VEHICLES, ARTICLE III, PARKING, STOPPING AND STANDING, DIVISION 1, GENERALLY, AT SECTION 118-93, DELINQUENCY PENALTY FOR NONPAYMENT OF PARKING VIOLATION PENALTIES; SECTION 118-94, SERVICE CHARGE FOR NONPAYMENT OF PARKING VIOLATION PENALTIES, DIVISION 2, PARKING METERS, AT SECTION 118-127, EXPIRED METER; SECTION 118-128, SERVICE CHARGE FOR NONPAYMENT OF PARKING VIOLATION PENALTIES; SECTION 118-133, VIOLATIONS, PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 118, Traffic and Vehicles, Article III, Parking, Stopping and Standing, Division 1, Generally, at Section 118-93, Delinquency Penalty for Nonpayment of Parking Violation Penalties and at Section 118-94, Service Charge for Nonpayment of Parking Violation Penalties, in the manner and form set forth below (as shown in the strikeouts and underlined):

### **"Division 1. Generally**

#### **Sec. 118-93. - Delinquency penalty for nonpayment of parking violation penalties.**

Failure to pay penalties for violations of sections 118-91 and 118-92 within ~~seven~~ fourteen days from the time of issuance of the violation shall result in an additional delinquency penalty to the violator. The amount of the delinquency penalty for the violation of parking regulations

enumerated herein shall be established by resolution of the town council and may be amended from time to time by resolution of the town council. Failure to pay the full penalty within ~~seven~~ fourteen days of notice of such obligation may result in a summons being issued ordering and directing the violator to appear in county court, or civil proceedings may be commenced to effectuate collection. The violator shall be responsible for all costs incurred by the town to enforce the provisions of this section.

**Sec. 118-94. - Service charge for nonpayment of parking violation penalties.**

(a) Failure to pay penalties and delinquency assessments for violations of sections 118-91 and 118-92 and in accordance with section 118-93 within 60 days of issuance of the parking violation shall result in a service charge to the violator per citation in addition to the cost of the violation and delinquent penalty. The amount of the service charge for the violation of parking regulations enumerated herein shall be established by resolution of the town council and may be amended from time to time by resolution of the town council.

(b) Failure to pay penalties and delinquency assessments for violations of sections 118-91 and 118-92 and in accordance with section 118-93 within 90 days of issuance of the parking violation shall result in an additional service charge to the violator per citation in addition to the cost of the violation, the original delinquent penalty and service charge. The amount of the additional service charge for the violation of parking regulations enumerated herein shall be established by resolution of the town council and may be amended from time to time by resolution of the town council.

(c) Failure to pay penalties and delinquency assessments for violations of sections 118-91 and 118-92 and in accordance with section 118-93 within 120 days of issuance of the parking violation shall result in an additional service charge to the violator per citation in addition to the cost of the violation, the original delinquent penalty and service charge. The amount of the additional service charge for the violation of parking regulations enumerated herein shall be established by resolution of the town council and may be amended from time to time by resolution of the town council."

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 118, Traffic AND Vehicles, Article III, Parking, Stopping and Standing, Division 2, Parking Meters, at Section 118-127, Expired Meter; Section 118-

128, Service Charge for Nonpayment of Parking Violation Penalties and at Section 118-133, Violations, Penalty, in the manner and form set forth below (as shown in the strikeouts and underlined):

## **“Division 2. Parking Meters**

### **Sec. 118-127. - Expired meter.**

(a) *Prohibited.* It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of such person to be parked overtime or beyond the period of legal time established for any parking meter zone or for any parking area for which the length of time of parking is regulated.

(b) *Penalty.* The civil penalty for parking overtime in violation of subsection (a) shall be as set forth in section 118-92, as may be amended from time to time. Failure to pay such penalty within the time provided in section 118-133 shall result in an additional delinquency penalty to the violator in the amount established or amended by resolution of the town council. Failure to pay the full penalty within ~~seven~~ fourteen days of notice of such obligation may result in a summons being issued ordering and directing the violator to appear in county court, or civil proceedings may be commenced to effectuate collection. The violator shall be responsible for all costs incurred by the town to enforce the provisions of this section.

### **Sec. 118-128. - Service charge for nonpayment of parking violation penalties.**

(a) Failure to pay penalties and delinquency assessments for violations of section 118-127 and in accordance with section 118-133, within 60 days of issuance of the parking violation shall result in a service charge to the violator per citation in addition to the cost of the violation and delinquent penalty. The service charge to the violator shall be established by resolution of the town council and may be amended from time to time by resolution of the town council.

(b) Failure to pay penalties and delinquency assessments for violations of section 118-127 and in accordance with section 118-133, within 90 days of issuance of the parking violation shall result in an additional service charge to the violator per citation in addition to the cost of the violation, the original delinquent penalty and service charge. The additional service charge to the violator shall be established by resolution of the town council and may be amended from time to time by resolution of the town council.

(c) Failure to pay penalties and delinquency assessments for violations of section 118-127 and in accordance with section 118-133, within 120 days of issuance of the parking violation shall result in an additional service charge to the violator per citation in addition to the cost of the violation, the original delinquent penalty and service charge. The additional service charge to the violator shall be established by resolution of the town council and may be amended from time to time by resolution of the town council.

**Sec. 118-133. - Violations, penalty.**

(a) It shall be the duty of police officers and parking enforcement personnel of the town, acting in accordance with instructions issued by the chief of police, to report:

(1) The number of each parking meter that indicates that the vehicle occupying the parking space is or has been parked in violation of any of the provisions of this division.

(2) The state license plate number of such vehicle.

(3) The length of time during which such vehicle is known to have been parked in violation of any of the provisions of this division.

(4) Any other facts or knowledge which is necessary to provide a thorough understanding of the circumstances pertaining to such violation.

(b) Each such police officer or parking enforcement officer shall also attach to such vehicle a notice to the owner thereof that such vehicle has been parked in violation of the provision of this division and instructing such owner to report to the finance department of the town in regard to such violations.

(c) Each such owner shall, within ~~seven~~ fourteen calendar days of the time when such notice was attached to such vehicle, pay to the finance department as a penalty for and in full satisfaction of such violation an amount as specified by the town council ~~multiplied by the number of periods of parking time established as the legal time for such parking space, and during which such vehicle occupied such parking space in violation of any of the provisions of this division.~~ The failure of such owner to make such payment to the finance department within ~~seven~~ fourteen calendar days shall render such owner subject to the penalties provided in section 1-14."

### Section 3. Severability

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

### Section 4. Repeal of Ordinances in Conflict

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

### Section 5. Codification

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach

### Section 6. Effective Date

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session on first reading this 13<sup>th</sup> day of September, 2018, and for a second and final reading on this 9<sup>th</sup> day of October, 2018.

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Gail L. Coniglio, Mayor

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Danielle H. Moore, Town Council President

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Margaret A. Zeidman, Council President Pro Tem

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Julie K. Araskog, Town Council Member

ATTEST:

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Lew Crampton, Town Council Member

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Kathleen Dominguez, Town Clerk

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Bobbie Lindsay, Town Council Member