

PROPOSED  
ORDINANCE NO. 40-20

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING CHAPTER 11-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SECTION 11-2-37, PROVIDING PARKING FINE AMOUNTS AND APPOINTING CODE ENFORCEMENT AUTHORITY SPECIAL MAGISTRATE TO HEAR AND DECIDE OBJECTIONS TO PARKING FINES; AMENDING SECTION 11-2-46, PROVIDING MAYORAL AUTHORITY TO REGULATE PARKING; AMENDING SECTION 11-2-46.1, PROVIDING TIME LIMITS, RATES AND FINES; AMENDING SECTION 11-2-47, PROVIDING PARKING TIME LIMITS; AMENDING SECTION 11-2-48, REGULATING PARKING SPACES; AMENDING SECTION 11-2-80, PROVIDING FOR AUTHORITY OF MAYOR; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 11-2-37 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-37. - Parking fines.

- (a) Unless otherwise specified in this chapter, the owner of any vehicle found to be in violation of any of the provisions of this chapter within the city shall be fined in the amount of ten dollars (\$10.00) for the first offense; ~~fifteen~~ twenty dollars (~~\$15~~20.00) for the second offense, ~~thirty~~ forty dollars (~~\$30~~40.00) for the third offense and ~~fortyone hundred~~ dollars (~~\$40~~100.00) for the fourth or subsequent offense when the offenses subsequent to the first offense occur within 12 months of the first offense; ~~provided, however, such other fine amounts may be established, subject to the police power of the city, from time to time in the downtown parking management district by the Pensacola Downtown Improvement Board.~~ The amount of the fine shall be doubled if payment is not received by the city ~~or the Pensacola Downtown Improvement Board~~, or if payment by mail is not postmarked, within fifteen (15) days of the date of notice of the violation.
- (b) Notwithstanding the provisions of subsection (a), above, vehicles found to be in violation of posted parking regulations when the city has issued permits for special events as defined in section 11-4-171 of the Code of the City of Pensacola, Florida, within the area bounded on the north by Wright Street, on the south by Bayfront Parkway, on the east by 9th Avenue, and on the west by Baylen Street, shall be fined in the amount of twenty-five dollars (\$25.00) ~~or such other amount as may be~~

~~established, subject to the police power of the city, from time to time in the downtown parking management district by the Pensacola Downtown Improvement Board for each offense. The amount of this fine shall be doubled if payment is not received by the CityPensacola Downtown Improvement Board, or if payment by mail is not postmarked, within seventy-two (72) hours of the time of notice of the violation.~~

- (c) Any person receiving a fine pursuant to subparagraphs (a) or (b), above, may seek to have the fine rescinded by filing an objection with the Pensacola Code Authority within ten (10) days of the date of issuance of the fine. The Pensacola Code Authority shall schedule a hearing on the objection before the Special Magistrate at a regularly scheduled meeting and the Special Magistrate shall have the authority to confirm or rescind the fine. In order to support an order rescinding the fine, the Special Magistrate must find and articulate on the record sufficient facts and circumstances that the fine was improvidently imposed, or that the fine should otherwise be rescinded. The recipient of the fine must appear in person or through authorized electronic means, and must provide testimony or other evidence under oath. The decision of the Special Magistrate shall be final.

SECTION 2. Section 11-2-46 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

#### DIVISION 2. - PARKING METERS DEVICES

Sec. 11-2-46. - Authority of mayor to designate ~~metered~~ regulated parking zones.

- (a) The mayor is hereby authorized to determine and designate ~~metered~~ regulated parking zones and to install and maintain upon any of the streets or parts of streets of the city as many parking ~~meters~~ control devices as necessary in the parking zones, where it is determined that the installation of parking ~~meters~~ control devices shall be necessary to aid in the regulation, control and inspection of the parking vehicles. The parking ~~meters~~ control devices may be of whatever type as determined by the ~~council~~ mayor.
- (b) ~~Provided, however, that within the downtown parking management district determining and designating metered parking zones and the selection, purchase, installation, and maintenance of parking meters shall be the exclusive responsibility of the Pensacola Downtown Improvement Board as administrator for the city of the downtown parking management district. The downtown parking management district shall encompass that certain area bounded on the west by westernmost side of DeVilliers Street, on the north by northernmost side of Wright Street and the CSX railroad tracks, on the east by the easternmost side of Ninth Avenue, and on the south by the southernmost shoreline of Pensacola Bay.~~

SECTION 3. Section 11-2-46.1 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-46.1. - Time limits and rates for parking in ~~metered~~ regulated spaces; fines.

The rate for parking in ~~metered on-street, regulated~~ parking spaces within the city shall be ~~twenty-five~~ fifty cents (\$0.25 .50) per hour ~~except for such other rates as may be established, subject to the police power of the city, from time to time in the downtown parking management district by the Pensacola Downtown Improvement Board.~~ No vehicle may be parked in any such space without the owner or an occupant thereof ~~depositing a coin or coins in the meter~~ making payment to the parking control device for the full period during which the vehicle is parked in such space; provided, however, no vehicle may park in any such space for longer than the maximum time permitted ~~on the meter~~ by the parking control device.

SECTION 4. Section 11-2-47 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-47. - Parking beyond designated time limit prohibited; exceptions.

When parking ~~meters~~ control devices are erected giving notice thereof, no person shall stop, stand or park a vehicle in any ~~metered~~ controlled parking zone for a period of time longer than designated by the ~~parking meters~~ parking control devices ~~upon the deposit of a coin of United States currency of the designated denomination on any day except Sunday and holidays unless otherwise posted upon any of the streets of the city.~~

SECTION 5. Section 11-2-48 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-48. - Vehicle to be parked wholly within space.

Every vehicle shall be parked wholly within the ~~metered~~ controlled parking space for which the ~~meter~~ parking control device shows parking privilege has been granted.

SECTION 6. Section 11-2-80 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 11-2-80. - Authority of mayor.

The mayor is hereby authorized to develop alternative on-street parking programs, and promulgate rules, identify suitable locations, and establish rates and fines for such programs within the city, ~~except however for that certain area encompassing the downtown parking management district as defined in section 11-2-46 where such authority, subject to the police power of the city, shall be exclusively vested in the Pensacola Downtown Improvement Board.~~ Such programs may include decal or permit parking programs, available to the public, at monthly rates to be established by the mayor

and filed with the city clerk. Such rates shall be commensurate with rates established for parking in metered spaces. Fines for violations of the alternative on-street parking program shall be commensurate with the fines provided in section 11-2-46.1, and shall be enforced in the manner provided in section 11-2-66 through section 11-2-71.

SECTION 7. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 9. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_  
President of City Council

Attest:

\_\_\_\_\_  
City Clerk