



## City of North Port

### ORDINANCE NO. 2023-34

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, REPEALING AND REPLACING SECTION 74-84 AND 74-93 OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO PARKING VIOLATIONS; CLARIFYING THE PENALTIES AND PROCEDURES FOR CONTESTING A PARKING VIOLATION TICKET; PROHIBITING PARKING FOR STORAGE PURPOSES IN THE PUBLIC RIGHT-OF-WAY IN IDENTIFIED ZONING DISTRICTS AND ALONG TAMIAAMI TRAIL; AND UPDATING STATUTORY REFERENCES RELATED TO PARKING SPACES FOR DISABLED PERSONS; BY AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTION 74-84 AND SECTIONS 74-92 THROUGH 74-94; AND REPEALING CERTAIN FEES RELATED TO PARKING VIOLATIONS BY AMENDING APPENDIX A, SECTION F, POLICE FEES; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission for the City of North Port, Florida desires to repeal and replace Section 74-84 of the Code of the City of North Port, Florida ("City Code") to clarify the enforcement and applicable penalties for parking violations under the City Code; and

**WHEREAS**, the City Commission desires to repeal and replace Section 74-93 of the City Code to prohibit the parking of certain vehicles on public rights-of-way located in areas zoned residential, commercial, and industrial along Tamiami Trail; and

**WHEREAS**, the City Commission desires to amend Section 74-92 of the City Code to clarify the vehicles prohibited from being parked for storage purposes on public rights-of-way located in areas zoned for residential, commercial, and industrial use; and

**WHEREAS**, the City Commission desires to amend Section 74-94 of the City Code related to parking vehicles in parking spaces designated and marked for disabled persons; and

**WHEREAS**, the City Commission desires to amend Appendix A, Section F of the City Code to remove the fines for parking ticket violations; and

**WHEREAS**, the City Commission finds that these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

**SECTION 1 – FINDINGS**

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business impact estimate on the City’s website on or before the date the newspaper published notice of this ordinance’s final reading.

**SECTION 2 – REPEAL**

- 2.01 Section 74-84, entitled “Violations,” of the Code of the City of North Port, Florida is hereby repealed in its entirety.
- 2.02 Section 74-93, entitled “Tamiami Trail,” of the Code of the City of North Port, Florida is hereby repealed in its entirety.

**SECTION 3 – ADOPTION**

- 3.01 Chapter 74 of the Code of the City of North Port, Florida is hereby amended as follows:

**“Chapter 74 – TRAFFIC AND VEHICLES**

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**ARTICLE IV. – STOPPING, STANDING AND PARKING**

**Sec. 74-84. – Penalties.**

- (a) Any sworn law enforcement officer has the authority to issue a parking violation ticket to any vehicle parked in violation of this article. The owner of a vehicle issued a parking violation ticket under this subsection shall be assessed a penalty. No parking violation ticket shall be issued under this subsection for a vehicle illegally parked in a parking space specially designated and marked as a parking space for disabled persons.
- (b) Any sworn law enforcement officer has the authority to issue a parking violation ticket to any vehicle parked in violation of section 74-94 of this Code when the vehicle is stopped, standing, or parked in a parking space specially designated and marked as a parking space provided for disabled persons. The owner of a vehicle issued a parking violation ticket under this subsection shall be assessed a penalty.
- (c) A person issued a parking violation ticket shall have thirty (30) days from the date of issuance to pay the applicable penalty or request a hearing to contest the violation. A person’s failure to pay the applicable penalty or request a hearing within the time provided by this section shall be deemed an admission of the violation and shall constitute a waiver of any right to contest the violation.
- (d) The registered owner of a vehicle issued a parking violation ticket pursuant to this section shall be identified as the person responsible for the violation unless, at a requested hearing:

(1) The registered owner specifically identifies another person as the party responsible for the violation; and

(2) The hearing officer determines the another person, as specifically identified, is responsible for the violation.

(e) The penalty imposed pursuant to this section are the following amounts:

(1) \$15.00 for a violation of section 74-84(a).

(2) \$100.00 for a violation of section 74-84(b).

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**Sec. 74-92. – Storage of certain vehicles.**

No person shall park for storage purposes any light or heavy duty vehicle, boat, bus, recreational vehicle, trailer, truck tractor, dump truck, on-duty wrecker, bucket truck, heavy equipment tractor, semitrailer, or construction equipment, including but not limited to front-end loader, bulldozer, skid-steer, or ditch-digger, as further as those terms are defined by subsection 59-1 of this Code, 59-16(a) of this code, shall be parked for storage purposes, on any public right-of-way within any district zoned for residential, commercial, or industrial use, with the sole exception of construction equipment parked during the tenure of an active construction project. For purposes of this section, A vehicle or boat shall be deemed as “parked for storage purposes means that the parked light or heavy duty vehicle, boat, bus, recreational vehicle, trailer, semitrailer, or construction equipment, when it has not been moved in five consecutive days.”

**Sec. 74-93. – Tamiami Trail.**

No person shall park a vehicle, truck trailer, or trailer on any public right-of-way within any district zoned for residential, commercial, or industrial use that is located along Tamiami Trail (U.S. Highway 41).

**Sec. 74-94. – Parking spaces for disabled persons.**

(a) It shall be unlawful for any person to stop, stand, or park a vehicle within, or to obstruct, any such specially designated and marked parking space provided for disabled persons as provided in F.S. § 553.5041, unless such vehicle displays a disabled parking permit issued pursuant to F.S. § 316.1958 or § 320.0848 or a license plate issued under F.S. § 320.084, 320.0842, 320.0843, or 320.0845, and the such vehicle is transporting the person to whom the displayed permit is issued. a person eligible for the parking permit.

(b) Whenever a law enforcement officer finds a vehicle in violation of this section, that officer shall:

- (1) Have the vehicle in violation removed to any lawful parking space and/or facility or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever any vehicle is removed by a law enforcement officer to a storage lot, garage or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle.
- (2) Charge the operator or other person in charge of the vehicle in violation with a violation of this Code. ~~noncriminal traffic infraction, punishable as provided in F.S. § 318.18(2).~~ However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit, momentary parking in any such parking space, for the purpose of loading and/or unloading such disabled person. No penalty shall be imposed upon the driver of such momentary parking.”

3.02 Appendix A of the Code of the City of North Port, Florida is hereby amended as follows:

**“APPENDIX A – CITY FEE STRUCTURE**

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**F. POLICE FEES**

<b>POLICE FEES</b>	
Property advertisement fee	\$25.00
False alarms (after 3rd within 6 months until 6 months without alarm)	\$50.00
<del>Parking tickets</del>	<del>\$15.00</del>
<del>Handicap parking tickets</del>	<del>\$100.00</del>
...”	

**SECTION 4 – CONFLICTS**

4.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

**SECTION 5 – SEVERABILITY**

5.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

**SECTION 6 – CODIFICATION**

6.01 In this ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.

**SECTION 7 – EFFECTIVE DATE**

7.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on December 12, 2023.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on January 23, 2024.

CITY OF NORTH PORT, FLORIDA

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ALICE WHITE  
MAYOR

ATTEST

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HEATHER FAUST, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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AMBER L. SLAYTON, B.C.S.  
CITY ATTORNEY