

PROPOSED

ORDINANCE NO. 2019-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO PARKS AND RECREATION; AMENDING CHAPTER 23, ARTICLE II OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); CREATING DIVISION 4, RELATING TO PAY PARKING AT BROWARD COUNTY PARKS; PROVIDING FOR PAY PARKING ZONES AND FEES; PROVIDING FOR PARKING PAY STATIONS, INCLUDING, BUT NOT LIMITED TO, PAY-BY-PHONE APPLICATIONS AND/OR LICENSE PLATE RECOGNITION TECHNOLOGY; ESTABLISHING PARKING REGULATIONS AND PROVIDING FOR ENFORCEMENT OF PARKING VIOLATIONS; ESTABLISHING PROCEDURES FOR ISSUANCE OF PARKING CITATIONS; ESTABLISHING CIVIL PENALTIES FOR PAY PARKING VIOLATIONS AT COUNTY PARKS; AND PROVIDING FOR APPEALS, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, the Broward County Board of County Commissioners (the "Board"), pursuant to its authority under Article VIII, Section 1, of the Florida Constitution and Chapter 125, Florida Statutes, is authorized to protect the public health, safety, and welfare, and has the authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law;

WHEREAS, the Board finds that it is in the best interest of Broward County to establish pay parking zones within designated County parks and provide for the installation of parking pay stations;

WHEREAS, pursuant to its home rule powers, the County has the authority to impose fees to support the expenses incurred in operating and maintaining parking facilities within County parks;

1 WHEREAS, the Board desires to enact regulations relating to pay parking at
2 County parks including, but not limited to, establishing requirements and procedures for
3 issuance of Citations (as hereinafter defined) for pay parking violations, enforcement of
4 violations, and contesting any Citations issued for violations; and

5 WHEREAS, the Board finds that amending the Broward County Code of
6 Ordinances (the "Code") as provided herein furthers the health, safety, and welfare of the
7 residents of Broward County,

8
9 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
10 BROWARD COUNTY, FLORIDA:

11
12 Section 1. Chapter 23, Article II, of the Broward County Code of Ordinances is
13 hereby amended to create Division 4 to read as follows:

14 [Underlining omitted]

15 **DIVISION 4. BROWARD COUNTY PARKS PAY PARKING ZONES**

16 **Sec. 23-39. Authority.**

17 Pursuant to authority under Section 316.008, Florida Statutes, and in the exercise
18 of its general police power, the Broward County Board of County Commissioners (the
19 "Board") is authorized to enact this division of Chapter 23 of the Broward County Code of
20 Ordinances (the "Code").

21 (a) In accordance with the provisions of this division, the County Administrator
22 is authorized to:

- 23 (1) Establish Pay Parking Zones within County park parking areas where fees
24 must be paid for parking, and to designate the manner in which fees are to

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1 be collected, which may include, but not be limited to, Parking Pay Stations,
2 Pay Parking Mobile Applications, and License Plate Recognition
3 Technology.

4 (2) Designate time limits for parking in Pay Parking Zones within the County
5 park parking areas upon which, or for which, such pay stations are placed,
6 and to designate the fee to be paid for the purpose of obtaining legal parking
7 for such time so designated.

8 (3) Enforce any violation(s) of any parking regulation(s) in accordance with the
9 provisions of this division.

10 (4) Promulgate and establish supplemental rules and regulations as may be
11 necessary to effectuate the intent and purpose of this division. The
12 provisions under this division are in addition to traffic and other parking
13 regulations for Motor Vehicles on County park property under
14 Chapter 25½ of the Code.

15 (b) Parking Pay Stations shall be installed in appropriate locations relative to
16 each fee parking space established as provided in this division. The County Administrator
17 shall provide for the regulation, control, operation, and use of the Parking Pay Stations,
18 and shall cause such pay stations to be maintained in good workable condition.

19 **Sec. 23-40. Definitions.**

20 For the purposes of this division, the following terms shall have the meanings
21 indicated:

22 *Citation:* Any written or electronically generated notice of violation of this division,
23 issued by a Parking Enforcement Officer, in accordance with the provisions under this
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1 division, on a form approved by the Parks and Recreation Division Director, and approved
2 as to legal sufficiency by the Office of the County Attorney, which imposes a civil penalty.

3 *County:* Broward County, Florida.

4 *Director:* The Broward County Parks and Recreation Division Director.

5 *Disabled parking permit or license plate:* Any disabled parking permit or license
6 plate issued under Sections 316.1958 or 320.0848, Florida Statutes, or a license plate
7 issued under Section 320.084, 320.0842, 320.0843, or 320.0845, Florida Statutes.

8 *Division or Parks Division:* The Broward County Parks and Recreation Division.

9 *License Plate Recognition Technology:* A scanning device used by authorized
10 Parking Enforcement Officers to read license plates on Vehicles that are parked on
11 Broward County owned parks premises. A database of information is created based on
12 the information provided by parking customers when registering Vehicles, and license
13 plate recognition allows Parking Enforcement Officers to confirm proper payment has
14 been received for the Vehicle to occupy the parking space.

15 *Motor Vehicle or Vehicle:* Any self-propelled Vehicle not operated on rails or
16 guideway as defined in Section 316.003(42), Florida Statutes.

17 *Owner:* A person who holds the legal title of a Vehicle, or in the event a Vehicle
18 is the subject of an agreement for the conditional sale or lease thereof with the right of
19 purchase upon performance of the conditions stated in the agreement and with an
20 immediate right of possession vested in the conditional vendee or lessee, or in the event
21 a mortgagee of the Vehicle is entitled to possession, then such conditional vendee, or
22 lessee, or mortgagee shall be deemed the Owner for purposes of this division.

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1 *Park or parking:* The standing of a Vehicle, whether occupied or not, other than
2 temporarily for the purpose of and while actually engaged in loading or unloading
3 merchandise or passengers as may be permitted by law including under this article.

4 *Parking Enforcement Officer or Officer:* An agent or employee of the County
5 authorized to patrol assigned areas of the County parks to enforce parking regulations,
6 ordinances, and law; issue Citations; and maintain records.

7 *Parking Pay Station:* Any type of mechanical or electronic timing device
8 authorized under this division to be utilized for the purpose of regulating or controlling
9 parking, that is installed in a location to serve multiple parking spaces, with appropriate
10 signage notifying the Vehicle operator which numbered parking spaces are served by
11 the Parking Pay Station, and that provides a receipt or otherwise confirms legal parking
12 upon the deposit of authorized legal tender by manual or electronic means, for a period
13 of time in accordance with any such prescribed parking time limit.

14 *Parking space:* Any individual area or space within any Pay Parking Zone that is
15 designated for the parking of a single Vehicle by lines painted or otherwise durably
16 marked on the curb or on the surface of the road.

17 *Pay Parking Mobile Application:* Any online mobile phone application used to
18 electronically pay for parking.

19 *Pay Parking Zone:* Any park area or park roads designated by the County where
20 Parking Pay Stations have been installed and are operable.

21 **Sec. 23-41. Stopping or parking prohibited.**

22 (a) No person shall park a Vehicle on County park property except in
23 designated parking areas or Pay Parking Zones, in accordance with the markings
24 thereon, unless directed otherwise by any law enforcement officer, Division employee,

1 Parking Enforcement Officer, or by any official signage or markings. The requirements
2 of this section do not apply to any law enforcement, fire-rescue, or any other emergency
3 Vehicles that are marked as such and engaged in activities pursuant to their official duties,
4 or to any Vehicles owned or leased by any governmental entity with jurisdiction over such
5 park property engaged in activities pursuant to their official duties.

6 (b) No person shall station any Vehicle for any purpose or period of time in any
7 area within a Pay Parking Zone designated and marked "no parking" or otherwise marked
8 for restricted use only, except for the expeditious loading or unloading of passengers or
9 freight in areas specifically marked for such activities.

10 (c) No person shall perform any nonemergency repairs or routine Vehicle
11 maintenance including, but not limited to, washing or waxing any Vehicle or equipment,
12 within any Pay Parking Zone, except when authorized by the Director.

13 (d) No person shall leave any Vehicle parked overnight in any Pay Parking
14 Zone, or leave any Vehicle parked after the posted closing hour for such park, except for
15 overnight parking authorized by applicable signage or markings. Vehicles parked
16 overnight without authorization may be towed at the expense of the Vehicle Owner.

17 (e) Unless otherwise provided by applicable signage, every Vehicle shall be
18 parked "head-first" and wholly within the lines of the parking space.

19 **Sec. 23-42. Use of meters or Parking Pay Stations; overtime parking.**

20 (a) When any Vehicle is parked in any parking space in an established Pay
21 Parking Zone, the Owner, operator, manager, or driver of such Vehicle shall, upon
22 entering the parking space, deposit an amount adequate to account for the length of time
23 the Vehicle will be parked in the space. Payment shall be in United States currency, by
24 credit card, or by other acceptable means of payment including, but not limited to, by

1 mobile phone following the directions on the Parking Pay Station and the applicable
2 signage. Failure to deposit such proper payment as required shall constitute a violation
3 of this section. Upon a deposit of the appropriate payment, the parking space may be
4 lawfully occupied by such Vehicle during the time for which payment has been made
5 provided the Vehicle is removed prior to the posted closing hour for such park.

6 (b) If any Vehicle remains parked in any parking space beyond the parking time
7 limit designated for such parking space and the Parking Pay Station establishes illegal
8 parking, such Vehicle shall be considered as parked overtime.

9 (c) It shall be unlawful for any person to permit a Vehicle to park overtime by
10 remaining or being placed in any parking space for which a Parking Pay Station is placed
11 while such pay station shows that the Vehicle has already parked beyond the period of
12 time allotted for the parking fee required to be deposited in the Parking Pay Station.

13 **Sec. 23-43. Continuing violations; separate offenses.**

14 The continuing violation of any of the provisions of this division shall constitute a
15 separate offense for each time period that the violation occurs. It is not required to
16 observe the violation continuously for each time period, but Citations shall be issued not
17 less than one (1) hour apart. However, not more than four (4) Citations shall be issued
18 for the same violation by the same Vehicle at the same location in any twenty-four (24)
19 hour period.

20 **Sec. 23-44. Defacing or tampering with meters of Parking Pay Stations.**

21 It shall be unlawful for any person to deface, tamper with, break, destroy, or impair
22 the usefulness of any Parking Pay Station installed pursuant to the terms of this division.

1 **Sec. 23-45. Disabled parking.**

2 (a) No person shall stop, stand, or park any Vehicle within any space within a
3 Pay Parking Zone reserved and marked for disabled parking in accordance with
4 Section 553.5041, Florida Statutes, unless a disabled parking permit, issued pursuant to
5 Section 320.0848, Florida Statutes, or a license plate issued under Sections 320.084,
6 320.0842, 320.0843, or 320.0845, Florida Statutes, is displayed and such Vehicle is
7 transporting the person who was issued the disabled parking permit or license plate. Any
8 person who is chauffeuring a disabled person and who does not possess a disabled
9 parking permit or license plate shall be permitted to momentarily park in any Pay Parking
10 Zone for the purpose of loading or unloading such disabled person.

11 (b) Whenever a Parking Enforcement Officer finds a Vehicle in violation of this
12 section, that officer may have the Vehicle in violation removed to a facility or require the
13 operator or other person in charge of the Vehicle to immediately remove the Vehicle.
14 Whenever any Vehicle is removed by a Parking Enforcement Officer or agency to a
15 storage lot, garage, or other safe parking space, the cost of such removal and parking
16 shall be a lien against the Vehicle.

17 (c) No person shall be subject to a fine for any disabled parking violations under
18 this section if such person complies with the following within ten (10) days after the date
19 of issuance of the Citation:

- 20 (1) The person provides proof to the Director, or designee, that the person
21 committing the violation has a disabled parking permit issued under
22 Sections 316.1958 or 320.0848, Florida Statutes, or a license plate issued
23 under Sections 320.084, 320.0842, 320.0843, or 320.0845, Florida
24 Statutes; and

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1 (2) The person provides to the Director, or designee, a signed affidavit that the
2 Owner of the disabled parking permit or license plate was present at the
3 time the violation occurred, and such disabled parking permit or license
4 plate was valid at the time the violation occurred.

5 Upon the demonstration of compliance with the requirements under this section,
6 the Director, or designee, may dismiss the Citation.

7 (d) Except as otherwise provided in this Code, any Vehicle that displays a
8 disabled parking permit or license plate may park for free for a maximum of four (4) hours
9 in any space on a public street if the Vehicle is transporting the person who has a disability
10 and to whom the disabled parking permit or license plate was issued. The Vehicle license
11 plate number of a Vehicle displaying a disabled Vehicle parking permit or license plate
12 must be entered into the Parking Pay Station to begin the free four (4) hour time frame.
13 Any person whose Vehicle is parked for longer than four (4) hours shall deposit the
14 appropriate amount for any length of time greater than the original four (4) hour period of
15 time. Any person who fails to make such appropriate payment shall be issued a Citation
16 for overtime parking.

17 (e) Any Vehicle that displays a disabled parking permit may park for free in any
18 parking space designated as a handicapped or disabled parking space with no time
19 limitation in any County park Pay Parking Zone.

20 (f) Any Vehicle that displays a license plate for disabled veterans issued under
21 Sections 320.084, 320.0842, or 320.0845, Florida Statutes; Vehicles equipped with
22 specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person
23 who has a disability; or any Vehicle displaying a Florida Toll Exemption permit may park
24 for free in any parking space located in a County Pay Parking Zone or parking lot.

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1 **Sec. 23-46. Liability of Pay Parking Zone violations.**

2 The Owner of a Vehicle is responsible and liable for payment of any Citation unless
3 the Owner can furnish evidence that the Vehicle was, at the time of the parking violation,
4 in the care, custody, or control of another person. In such instances, the Owner of the
5 Vehicle is required, within a reasonable time after notification of the Citation, to furnish to
6 the Director, or designee, an affidavit setting forth the name, address, and driver's license
7 number of the person who leased, rented, or otherwise had the care, custody, or control
8 of the Vehicle. The Owner of a Vehicle is not responsible for a Citation if the Vehicle
9 involved was at the time stolen or in the care, custody, or control of someone who did not
10 have the permission of the Owner to use the vehicle. If the Owner is found not liable for
11 the Citation, the Director, or designee, may dismiss the Citation and provide written notice
12 by mail to the Owner.

13 **Sec. 23-47. Enforcement personnel.**

14 The County Administrator shall designate individuals as Parking Enforcement
15 Officers who shall be responsible for the management and enforcement of the entire pay
16 parking system pursuant to this division. Parking Enforcement Officers are authorized to
17 issue parking Citations for all violations of this division.

18 **Sec. 23-48. Enforcement.**

19 (a) Designated Parking Enforcement Officers who discover a Vehicle parking
20 in violation of any of the provisions under this division shall issue a Citation to the driver
21 or, if the Vehicle is unattended, attach such Citation to the Vehicle in a conspicuous place.
22 Such Citation shall contain language providing notice of the following:

- 23 (1) A description of the illegally parked Vehicle and its location.
24 (2) The type of violation and the amount of fine.

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1 (3) That the person receiving the Citation or the Owner of such Vehicle has ten
2 (10) calendar days after the date of issuance of the parking Citation to
3 either:

4 a. Make payment to the County of the fine amount listed on said
5 Citation; or

6 b. Request a hearing before a Parking Enforcement Hearing Officer (as
7 hereinafter defined) to contest the violation.

8 (4) The penalty for failing to comply with the directions on the Citation.

9 (b) A person issued a Citation under this division may contest the Citation, as
10 provided under Section 23-52 of the Code, by delivering a written request for a hearing
11 to the Director, or designee, at the address included on the Citation, within ten (10)
12 calendar days after the date of such Citation.

13 (c) An unattended Vehicle parked in any Pay Parking Zone in violation of the
14 parking requirements under this division or Section 316.1955(1), Florida Statutes, may
15 be towed at the Vehicle Owner's expense, in addition to any fines imposed under this
16 division.

17 (d) A person who elects to appear before a Parking Enforcement Hearing
18 Officer to present evidence and who fails to attend the scheduled hearing waives his or
19 her right to contest the Citation.

20 **Sec. 23-49. Towing and impounding Vehicles.**

21 The park manager, or designee, is authorized to remove a Vehicle from a Pay
22 Parking Zone within the County to the nearest garage or other place of safety or to a
23 garage designed or maintained by the County, under the circumstances enumerated as
24 follows:

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1 (a) When any Vehicle has been parked overtime and remains unattended
2 continuously for more than twenty-four (24) hours (and may be presumed to be
3 abandoned).

4 (b) When any Vehicle is parked overnight in any Pay Parking Zone, unless such
5 overnight parking is authorized by applicable signage in the Pay Parking Zone.

6 All expenses for towing and impoundment shall be the responsibility of the Owner
7 of the Vehicle.

8 **Sec. 23-50. Fines; failure to pay.**

9 (a) A person found by a Parking Enforcement Officer to be in violation of this
10 division shall be issued a Citation and pay a fine based on the following schedule:

11 (1) Violations of Section 23-45, Disabled parking	\$250.00
12 (2) Violations of Section 23-42, Overtime parking	37.00
13 (3) All other parking violations	37.00

14 (b) In the event that payment of the fine is not received or a response to the
15 Citation is not made within the time period specified on such Citation, the County shall
16 notify the registered Owner of the Vehicle that received the Citation, by mail to the address
17 given on the Motor Vehicle registration. Mailing of the notice to this address shall
18 constitute adequate notification to the Owner. The notice shall state that the Owner has
19 fourteen (14) days after the date of mailing of said notice to either:

- 20 (1) Make payment of the stated fine amount; or
- 21 (2) Elect to personally appear before a Parking Enforcement Hearing Officer to
22 contest the violation.

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1 (c) Failure to pay any fine imposed as a result of a Citation before it becomes
2 past due shall be considered a separate violation that shall be punishable as provided in
3 Section 125.69, Florida Statutes.

4 (d) Fines collected for any Pay Parking Zone violation under this division or
5 Section 316.1955(1), Florida Statutes, shall be deposited by the County in a separate
6 account and utilized to defray expenses associated with the administration of the
7 collection of such fines.

8 (e) A parking violation fine for which full payment is not received within ten (10)
9 calendar days after the date of issuance will be subject to a Fifteen Dollar (\$15.00) late
10 fee penalty in addition to the fine for each Citation issued.

11 (f) A parking violation fine or penalty for which full payment is not received
12 within thirty (30) calendar days after the date of issuance will be subject to an additional
13 Twenty Dollar (\$20.00) late fee penalty, for a total of a Thirty-five Dollar (\$35.00) penalty
14 in addition to the fine for each Citation issued.

15 (g) If the last day of any time period described in this division falls on a
16 Saturday, Sunday, or legal holiday, the time period shall run until the end of the next day
17 that is neither a Saturday, a Sunday, nor a legal holiday.

18 **Sec. 23-51. Parking Enforcement Hearing Officer.**

19 There is hereby created for the purpose of conducting hearings pursuant to this
20 division, the position of Parking Enforcement Hearing Officer. The Parking Enforcement
21 Hearing Officer shall be selected by the Office of the County Attorney from a list of
22 candidates approved by the Board. The Parking Enforcement Hearing Officer shall be a
23 member in good standing with The Florida Bar engaged in the practice of law in Broward
24 County.

1 **Sec. 23-52. Request for hearing; notice of hearing.**

2 (a) Any person who receives a Citation pursuant to this division may contest
3 such Citation by delivering to the County a request for hearing within ten (10) calendar
4 days after the date of the Citation. Such written request for a hearing, including a copy
5 of the Citation, shall either be mailed (as evidenced by the postmark) or hand delivered
6 during normal business hours, to the Broward County Parks and Recreation Division,
7 950 N.W. 38th Street, Oakland Park, Florida 33309, within ten (10) days after the date of
8 the Citation. The request for hearing shall be on a form available from the Division.

9 (b) The Division shall notify the Parking Enforcement Hearing Officer of each
10 request for hearing received.

11 (c) The Division shall set the hearing for a date that shall be within ninety (90)
12 days after the date that the written request for hearing was received; and shall give the
13 person issued the Citation at least seven (7) business days' advance written notice of the
14 scheduled date, time, and place for the hearing.

15 (d) Said notice shall be sent by mail to the address of the registered Owner of
16 the Vehicle, as listed on the Citation.

17 **Sec. 23-53. Defective Parking Pay Stations.**

18 (a) Any person who receives a Citation for overtime parking and who believes
19 the Parking Pay Station is defective or malfunctioning may report the alleged Parking Pay
20 Station defect or malfunction to the phone number listed on the Citation. The report must
21 include the name of the person who received the Citation, the Citation number, and the
22 location of the defective Parking Pay Station. To be timely asserted, the claim of a
23 defective Parking Pay Station must be made no later than the next business day after
24 issuance of the Citation.

1 (b) If the Parking Pay Station is found to be defective or malfunctioning, the
2 person who received the Citation shall be notified by mail of such fact, and the Citation
3 shall be voided by the Division Director or designee.

4 (c) If the Parking Pay Station is found to be functioning properly, the person
5 who received the Citation will be notified by mail that the Parking Pay Station functions
6 properly and that the Citation must be paid in accordance with Section 23-48 or a hearing
7 requested as provided for in Section 23-50.

8 **Sec. 23-54. Hearing procedures.**

9 (a) Upon receipt of the request for hearing, the County shall serve a notice of
10 hearing to the alleged violator by mail. Such notice shall include, but not be limited to, the
11 following:

12 (1) Place, date, and time of the hearing.

13 (2) Right of the alleged violator to be represented by an attorney.

14 (3) Right of the alleged violator to present witnesses and evidence and to
15 conduct cross-examination.

16 (4) A conspicuous statement reflecting the requirements of Chapter 286,
17 Florida Statutes, that a person deciding to appeal any decision of a Parking
18 Enforcement Hearing Officer will need to ensure that a verbatim record of
19 the proceedings is made.

20 (b) All hearings shall be open to the public. All testimony shall be under oath,
21 minutes shall be taken, and the proceedings shall be recorded.

22 (c) The County shall provide clerical and administrative personnel as may be
23 reasonably required by the Parking Enforcement Hearing Officer.

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1 (d) Each case before a Parking Enforcement Hearing Officer shall be presented
2 by the Division. The Director, or designee, shall adopt procedures for the conduct of
3 hearings before Parking Enforcement Hearing Officers, which procedures must not be in
4 conflict with any portion of this division.

5 (e) Formal rules of evidence shall not apply, but fundamental principles of due
6 process shall be observed and govern the proceedings. All evidence of a type commonly
7 relied upon by reasonably prudent persons in the conduct of their affairs shall be
8 admissible whether or not such evidence would be admissible in a State of Florida court.

9 (f) Each party shall have the right to call and examine witnesses, to introduce
10 exhibits, and to cross-examine opposing witnesses on any relevant matter.

11 (g) The Parking Enforcement Hearing Officer shall make a determination based
12 on clear and convincing evidence as to whether a parking violation has been committed.

13 (h) Once a hearing is scheduled, failure to appear before the Parking
14 Enforcement Hearing Officer will result in the dismissal of the hearing with prejudice, in
15 which case the Citation issued by the Parking Enforcement Officer shall be found valid.

16 (i) The information contained in the Citation shall be presumed correct in the
17 absence of contrary evidence, and no testimony shall be necessary to support the
18 presumption of correctness.

19 **Sec. 23-55. Contest by mail.**

20 (a) Those persons who receive a Citation pursuant to this division but who do
21 not reside in Palm Beach, Broward, or Miami-Dade County, Florida, may contest the
22 Citation in writing delivered to the County, thus avoiding the necessity of appearing for a
23 hearing.

1 (b) To contest a Citation pursuant to this section, the person who receives the
2 Citation must deliver a written contest of the Citation, along with all evidence in support
3 of such contest, to the County either by hand delivery within ten (10) calendar days after
4 the date of the Citation or by mail postmarked within ten (10) calendar days after the date
5 of the Citation.

6 (c) The evidence shall be presented to the Parking Enforcement Hearing
7 Officer at a hearing to be held within ninety (90) days after the date that a written request
8 to contest the Citation is received by the County. Notwithstanding that the violator has
9 requested to contest the issuance of the Citation by mail, such violator will nevertheless
10 be notified in writing by the County of the scheduled date, time, and place of the hearing.

11 (d) The evidence presented must include a sworn statement by the person
12 cited. The statement must identify the Citation at issue by its number and date of
13 issuance. It must set forth the name and current address of the person cited. The
14 statement may contain argument in opposition to the Citation. The Parking Enforcement
15 Hearing Officer will not consider unsworn statements.

16 (e) The evidence may include sworn statements of witnesses with knowledge
17 about the facts asserted in the statement.

18 (f) The evidence submitted may also include such documents as are relevant
19 and material to the disposition of the Citation.

20 **Sec. 23-56. Orders of Parking Enforcement Hearing Officer.**

21 (a) After a hearing, the Parking Enforcement Hearing Officer shall make a
22 determination based on the clear and convincing evidence as to whether a violation of
23 this division has been committed and, if the Citation is upheld, shall issue an order
24 imposing:

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- 1 (1) The fine listed on the Citation;
2 (2) Hearing costs; and
3 (3) Any late fees as per Section 23-50 of this division.

4 (b) In the event the Parking Enforcement Hearing Officer determines a violation
5 has not been committed, the Parking Enforcement Hearing Officer shall issue an order
6 dismissing the Citation.

7 (c) All fines must be paid within thirty (30) days after the hearing date; however,
8 the Parking Enforcement Hearing Officer may in his or her discretion grant additional time
9 to pay the fine.

10 (d) All orders shall be in writing, signed, and dated by the Parking Enforcement
11 Hearing Officer, and shall contain findings of fact supporting the order.

12 Section 2. Chapter 23, Article III, Sections 23-39 through 23-43 of the Broward
13 County Code of Ordinances are hereby renumbered to read as follows: Sections 23-57
14 through 23-61.

15 Section 3. Appeals.

16 The person who received the Citation or the County may appeal a decision of a
17 Parking Enforcement Hearing Officer by certiorari to the Seventeenth Judicial Circuit
18 within thirty (30) days after the date of rendition of the decision of the Parking Enforcement
19 Hearing Officer as provided by the Florida Rules of Appellate Procedure.

20 Section 4. Severability.

21 If any portion of this Ordinance is determined by any court to be invalid, the invalid
22 portion will be stricken, and such striking will not affect the validity of the remainder of this
23 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
24 legally applied to any individual, group, entity, property, or circumstance, such

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1 determination will not affect the applicability of this Ordinance to any other individual,
2 group, entity, property, or circumstance.

3 Section 5. Inclusion in the Broward County Code of Ordinances.

4 It is the intention of the Board of County Commissioners that the provisions of this
5 Ordinance become part of the Broward County Code of Ordinances as of the effective
6 date. The sections of this Ordinance may be renumbered or relettered and the word
7 "ordinance" may be changed to "section," "article," or such other appropriate word or
8 phrase to the extent necessary in order to accomplish such intention.

9 Section 6. Effective Date.

10 This Ordinance shall become effective as of the date provided by law.

11

12 ENACTED

13 FILED WITH THE DEPARTMENT OF STATE

PROPOSED

14 EFFECTIVE

15

16 Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

17

18 By /s/ Jeffrey S. Siniawsky 11/14/18
19 Jeffrey S. Siniawsky (date)
Assistant County Attorney

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JSS/dp
11/14/18
Pay Parking Ordinance
#41235

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