

GOLDEN BEACH, FLORIDA

*Amended 5/19/98*

ORDINANCE NO. 436.98

*Revised 5/27/98*

AN ORDINANCE OF THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA; AMENDING CHAPTER 38, TRAFFIC AND VEHICLES OF THE TOWN CODE; AMENDING THE PROVISIONS FOR MUNICIPAL PARKING LOTS, RESERVING THE LOGGIA PARKING LOT AT THE BEACH FOR THE USE OF TOWN PROPERTY OWNERS AND THEIR TENANTS; AMENDING THE PROVISION FOR NON-RESIDENT PARKING PERMITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Town Council desires to reserve the municipal parking lot at the Loggia (by the beach at the Strand) for Town property owners and their tenants which is consistent with the dedication of the Residents' Beach; and

**WHEREAS**, the Town Council desires to review and amend the provision for resident and non-resident parking in the Town;

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1.** That Division 2, "Municipal Parking Lots" of Chapter 38 "Traffic and Vehicles" is hereby amended to provide as follows:

**"DIVISION 2. MUNICIPAL PARKING LOTS**

**Sec. 38-36. Designation of parking facilities.**

(a) The Town Council may from time to time, pursuant to public notice and public hearing, establish certain designated areas of Town property as municipal and/or public parking areas. The Town Manager is authorized to place parking meters as designated by resolution of the Town Council.

(b) The Town Council may establish rules and regulations concerning the operations, maintenance and use of any specifically designated parking area.

**Sec. 38-37. Hours of operation.**

The parking areas owned by the Town shall be used only by residents of the Town and their families and guests unless otherwise specified for visitors; ~~all others are hereby prohibited from such use.~~ The public parking areas shall be opened and closed in

accordance with the order of the Town Manager or Chief of Police. In the absence of such order, parking areas shall be closed between the hours of 11:00 p.m. and 6:00 a.m. every night and morning; and all Persons, whether residents of the Town and their families and guests or others are hereby prohibited from entry on any portion of the parking areas during those hours. Any Person who occupies or is present at the parking areas during these hours or contrary to order of the police shall be punished as provided in section 1-16.

**Sec. 38-38. Posting rules, regulations; towing violations.**

(a) The Town Council shall post the rules and regulations concerning any designated parking area conspicuously in such area. The Town Council is authorized to have the Town police post and enforce tow-away signs for those Vehicles parked in violation of the posted rules and regulations concerning any designated parking area. Individuals parking a vehicle in a parking space with a parking meter shall purchase time on the meter if the vehicle does not have a Resident parking permit.

(b) Any such tow-away signs shall be conspicuously posted and shall set forth the basis upon which any tow-away action shall be instituted in accordance with the statutes of the State.

**Sec. 38-39. Designation of municipal parking areas.**

(a) The parking facilities known as the Loggia (by the residents' beach at the Strand) and the West Lot as defined in section 38-1, the parking facilities adjacent to Tweddle Park, the tennis courts and other designated parking areas, which facilities are owned, maintained and operated by the Town, are hereby declared to be municipal parking areas.

(b) The parking area at the Loggia, east of Ocean Drive, is reserved for the use of the property owners of Golden Beach and their tenants.

**Sec. 38-40. Parking decal.**

~~(a) No Vehicle shall park at a municipal parking area without displaying a parking decal thereon, which parking decal shall be issued by the Town Manager or his duly appointed representative.~~

~~(b) Town residents shall be assessed a sum equal to \$50.00 for the purchase of an annual parking decal which sum shall be collected from those ad valorem taxes paid annually by Town residents.~~

~~(c) All nonresidents may purchase annual parking decals for a sum of \$1,000.00.~~

~~(d) (b) (a) No Vehicle shall park at a public parking area unless there is affixed to such Vehicle a Resident parking decal or the space is designated for Non-resident parking.~~

The parking decal shall be issued by the Town Manager or his duly appointed representative.

(e) (e) (b) All applicable parking regulations, including therein the necessity of decals for parking at the Loggia, shall be conspicuously posted at the public parking areas.

**Sec. 38-41. Enforcement.**

(a) The Town police are authorized to post and enforce tow-away signs at the Loggia, which tow-away signs shall be conspicuously posted and indicate that Vehicles parking at the public parking area without proper decals or overtime parked at parking meters in violation of this division shall be towed away at the Owner's expense.

(b) The Town police are authorized to issue citations ~~in the amount of \$50.00 to~~ Vehicles parking at the public parking area without proper decals or overtime parked at parking meters in violation of this division, with fines as determined by Miami-Dade County.

**Sec. 38-42. Signs.**

There is hereby ordered to be placed on public parking areas signs reading substantially as follows:

RESTRICTED AREA - NO TRESPASSING - POLICE ORDER"

**Section 2. Conflict** That all ordinances or parts of ordinances, all Town Code sections or parts of Town Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 3. Severability** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Ordinance but they shall remain in effect, notwithstanding the invalidity of any part.

**Section 4. Inclusion In The Code.** That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance, shall become and be made a part of the Code of the Town of Golden Beach; that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 5. Effective Date.** That this Ordinance shall become effective immediately upon its adoption on second reading.

The Motion to adopt the foregoing Ordinance on first reading was offered by Councilwoman Chikovsky, seconded by Councilman Rodriguez and on roll call the following vote ensued:

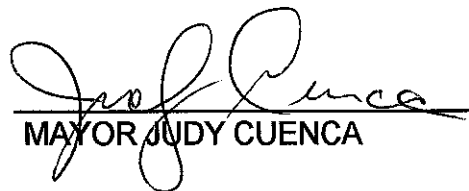
Mayor Cuenca	<u>Aye</u>
Vice Mayor Addicott	<u>Aye</u>
Councilwoman Chikovsky	<u>Aye</u>
Councilman Fistel	<u>Aye</u>
Councilman Rodriguez	<u>Aye</u>

**PASSED AND ADOPTED** on first reading this 19th day of May, 1998.

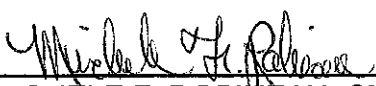
The Motion to adopt the foregoing Ordinance on second reading was offered by Councilmember Chikovsky, seconded by Vice Mayor Addicott and on roll call the following vote ensued:

Mayor Cuenca	<u>Aye</u>
Vice Mayor Addicott	<u>Aye</u>
Councilwoman Chikovsky	<u>Aye</u>
Councilman Fistel	<u>Absent</u>
Councilman Rodriguez	<u>Aye</u>

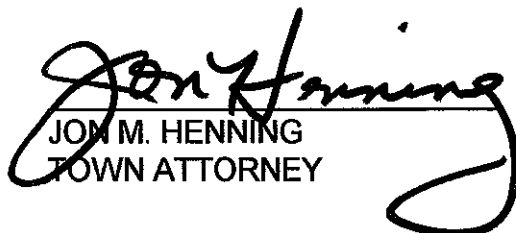
**PASSED AND ADOPTED** on second reading this 16<sup>th</sup> day of June, 1998.

  
MAYOR JUDY CUENCA

ATTEST:

  
MICHELE F. ROBINEAU, CMC  
DEPUTY TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
JON M. HENNING  
TOWN ATTORNEY