

ORDINANCE NO. 2015 -

AN ORDINANCE OF THE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION _____ OF THE VILLAGE CODE OF ORDINANCES BY ESTABLISHING REGULATIONS FOR VEHICULAR PARKING ON COMMERCIAL PROPERTY; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR REMEDIES; PROVIDING FOR IMPLEMENTATION AN EFFECTIVE DATE.

WHEREAS, there exists a shortage of available parking within the Village; and

WHEREAS, the shortage in available parking has resulted in motor vehicle operators from time to time improperly parking in commercial parking facilities and lots which are restricted in use to the owners, occupants, guests and invites; and

WHEREAS, the use of self-help by property owners, including the immobilizing and “booting” of parked vehicles has created a costly and potentially volatile situation that calls for regulation for the health, safety and welfare of the residents;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:¹

Section 1. **Recitals.** That the above recitals are true and correct and incorporated herein by this reference.

Section 2. **Village Code Amended.** That Article _____ of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

2.1 **Parking Prohibited.** It shall be unlawful for an operator of any motor vehicle to park in any privately owned parking facility, lot or space within the _____ zoning districts without the consent of the owner/operator of the property.

¹ Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text. Changes between first and second reading are indicated with highlight.

2.2 Penalty. Any person who violates the parking prohibition within Section 2.1 above shall be subject to a fine of up to \$250 for each violation and \$500 for each repeat violation.

2.3 Remedies. The owner or operator of any parking facility, lot or space wherein a motor vehicle is illegally parked shall have all rights available under Florida Statutory law to remedy the violation; however it shall be unlawful for any person to place upon any vehicle any vehicle immobilization device on such an improperly parked vehicle. A “vehicle immobilization device” shall mean any mechanical device that is designed to be attached to a wheel, tire, rim or any other part of the parked motor vehicle so as to prohibit the vehicles usual manner of operation.

Section 3. Implementation. The Village Manager and Village Police Chief shall take all steps necessary to implement the provisions of this ordinance including the issuance of citations for any prohibited activities under this ordinance.

Section 4. Effective Date. That this ordinance shall become effective immediately upon adoption at second reading.

PASSED AND ADOPTED on first reading this ____ day of June, 2015.

PASSED AND ADOPTED on second reading this ____ day of July, 2015.

MAYOR MAYRA PEÑA LINDSAY

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY