

CORRECTED 12/1/2020

Ordinance 2020-22

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 82 ARTICLE IV RELATING TO IMPOUNDMENT OF CERTAIN VEHICLES ON PUBLIC PROPERTY OR RIGHT-OF-WAYS; AMENDING SECTION 82-271 - AUTHORIZED; REMOVING SECTION 82-272 – NOTICE, SECTION 82-273 – FEES, AND SECTION 82-274 – RELEASE; AMENDING SECTION 82-272 – 82-300 – RESERVED; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law;

WHEREAS, the City Commission of the City of St. Pete Beach has determined that the specified amendment to the Code of Ordinances is necessary to ensure consistency with Florida Statutes; and

WHEREAS, the City Commission finds this amendment to be in the best interest of the citizens of the City of St. Pete Beach.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose, and intent of the City Commission.

SECTION 2. The provisions in this Section pertaining to the Code of Ordinances is hereby amended as follows:

Sec. 82-271. - Authorized Impoundment of Certain Vehicles from Public Property or a Public Right-of-Way.

(a) The City’s designated representatives, including but not limited to the Pinellas County Sheriff’s Office, are authorized to remove a vehicle from public property or a right-of-way to a place of impoundment maintained or contracted by the City when:

* * * *

(9) When a vehicle is unlawfully displayed for sale, hire, or rental in violation of F.S. § 316.1951, as amended.

- (b) When any vehicle has been left continuously parked and unmoved for a period of 72 hours, it may be presumed that such vehicle is being stored on public property, provided that such vehicle does not bear a current vehicle registration and showing an address immediately adjacent to the location where the vehicle is parked. Such storage is prohibited, and the vehicle may be impounded. The City's designated representative, including but not limited to the Pinellas County Sheriff's Office shall place a parking citation charging "vehicle stored on public property—will be impounded after 24 hours," on the vehicle for a period of 24 hours prior to actual impoundment.
- (c) A violation of this section will subject the owner of such vehicle to a citation and a fine as required by F.S. § 318.18, as amended. The City's designated representative, including but not limited to the Pinellas County Sheriff's Office shall affix a warning notice to the vehicle providing the vehicle's owner with 24 hours to correct the violation, unless the same vehicle owner has received another warning notice within a 12-month period, the parked vehicle endangers public safety or constitutes a hazard, the vehicle reasonably appears to be a stolen vehicle, or other extraordinary conditions exist, in which case the vehicle may be immediately towed without warning. For the purposes of determining violations of F.S. § 316.1951, as amended, the public street immediately adjacent to private real property shall be both sides, where permitted, of the public street abutting the real property for the length of the block on which the real property is located.
- (d) No vehicle impounded in an authorized garage as provided in this section shall be released there from until the charges for towing such vehicle into the garage and storage charges have been paid. The charge for towing or removal of any such vehicle and storage charges shall be fixed by the service provider and shall be commensurate with the service they provided and in parity to the fees for similar services as provided in south Pinellas County.
- (e) Vehicles that are stored in conjunction with this section, or other lawful purposes as defined by Florida Statutes, and where no notice to prohibit release pursuant to F.S. § 323.001 or other competent authority exists, may be released to the most currently titled, documented or registered owner or their authorized agent, to the person who was in possession of the vehicle at the time of removal or impoundment providing that this person had lawful authority to possess said vehicle and that no objection by the lawful owner has been received by the City. Vehicles stored pursuant to any of the aforementioned conditions which are eligible for release may be so released to a financial institution or their agent who provides sufficient proof that they hold a primary financial security interest or lien with this vehicle, that this security interest or lien has been duly registered according to the law and regulation of the state, territory or commonwealth in which this vehicle was purchased or now registered, and if different, whichever holds lawful jurisdiction to record this lien, that the individual or individuals financially responsible for agreed upon payment to this security interest are at the

time of claim at least 30 calendar days delinquent to the repayment terms of this financial obligation. The institution or their agent making claim to seek possession of this vehicle must submit to the City a sworn and notarized affidavit attesting their eligibility and compliance to the aforementioned requirements for release, they shall provide clearly copied and fully executed documentation that sufficiently supports their claim and interest and lastly, they shall execute a hold-harmless agreement with the City prior to receiving custody and control of the vehicle sought

- (f) Whenever a City designated representative, including but not limited to the Pinellas County Sheriff's Office, removes a vehicle as authorized in this article and the representative knows or is able to ascertain the name and address of the owner of the vehicle, such representative shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and of the place to which such vehicle has been removed. If any such vehicle is stored in an authorized garage, a copy of such notice shall be given to the proprietor of such garage.
- (g) Whenever a City designated representative, including but not limited to the Pinellas County Sheriff's Office, removes a vehicle under this article, the representative shall, within 24 hours, send or cause to be sent a report of such removal to the department of highway safety and motor vehicles and shall notify the proprietor of any authorized garage in which the vehicle may be stored. Such notice shall include a description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

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Secs. 82-272 – Sale of Impounded Vehicles.

Handwritten initials 'WJH' and a circled 'A'.

Secs. 82-273– 82.300 – Reserved.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. 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

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

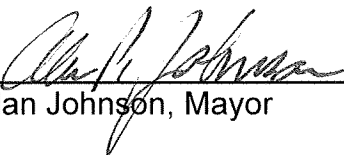
SECTION 6. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 7. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 8. Effective Date. This ordinance shall take effect immediately upon adoption.


FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

CITY COMMISSION, CITY OF ST. PETE BEACH, FLORIDA.



Alan Johnson, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 1 day of December 2020.



Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

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