

LEGISLATIVE #

210314A

1 **ORDINANCE NO. 210314**

2 **An ordinance of the City of Gainesville, Florida, amending**
3 **Division 2 in Article III of Chapter 26 of the City Code of**
4 **Ordinances relating to parking meters, parking lots, and**
5 **parking garages; providing directions to the codifier; providing**
6 **a severability clause; providing a repealing clause; and**
7 **providing an effective date.**
8

9 **WHEREAS**, new technology has rendered certain code provisions regulating parking
10 obsolete since they were first enacted in 2004;

11 **WHEREAS**, parking is an operational area of municipal government that should be
12 designed based upon changing market conditions and demand;

13 **WHEREAS**, granting authority to the city manager to establish parking rates for on-
14 street, parking lot, and parking garages and set rates is desirable to allow flexibility to react to
15 market conditions;

16 **WHEREAS**, the city commission will retain authority to set maximum parking rates
17 within the parking rate structure that the city manager establishes;

18 **WHEREAS**, at least 10 days' notice has been given once by publication in a newspaper
19 of general circulation notifying the public of this proposed ordinance and of public hearings to be
20 held in the City Commission Auditorium, City Hall, City of Gainesville; and

21 **WHEREAS**, the public hearings were held pursuant to the published notice described at
22 which hearings the parties in interest and all others had an opportunity to be and were, in fact
23 heard.

24 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
25 **CITY OF GAINESVILLE, FLORIDA:**

Words underlined are additions; words ~~stricken~~ are deletions.

1 **Section 1.** Division 2 in Article III of Chapter 26 of the Code of Ordinances of
2 Gainesville, Florida is hereby amended to read as follows:

3 **ARTICLE III. – STOPPING, STANDING AND PARKING**

4 **DIVISION 2. - PARKING METERS, PARKING LOTS AND PARKING GARAGES**

5 **Sec. 26-71. - Definitions.**

6 The following words and terms, when used in this division, shall have the meanings ascribed to
7 them in this section except when the context clearly indicates a different meaning:

8 *Individual parking space* shall mean a portion of the paved surface of the street, of a parking
9 lot or of a parking garage which is of sufficient length and depth from the curb or other design
10 impediment to accommodate the parking of a vehicle.

11 *Parking meter* shall mean a mechanical and/or electrical device which shall indicate thereon
12 the length of time during which a vehicle may be parked in an individual parking space.

13 *Parking pay station* shall mean a mechanical and/or electrical device which shall control
14 multiple parking spaces on street, on parking lots and in a parking garage either by collecting
15 the parking amount in advance or upon return of drivers to their vehicles and charging for the
16 respective amount either allowed by signage or the total amount of time for which a parking
17 space was occupied by the vehicle. Types of pay station include but is not limited to, pay-and-
18 display, pay-by-space and pay-on-foot.

19 *Remote pay system* shall mean a pay by phone, mobile pay, or other such technology-based
20 system for paying for parking other than by parking meter, pay station, or other physical
21 installation or equipment located on-site of the parking space or parking area.

22 **Sec. 26-72. - Period of operation of meters and pay stations.**

1 The city manager is hereby authorized to establish and maintain on file with the ~~public works~~
2 transportation and mobility department a list of the hours of the day and days of the week
3 during which the operation of parking meters and pay stations shall be enforced for all on-
4 street, parking lots and parking garages. The period of operation shall be displayed either on
5 the parking meter or by signs clearly stating the period of operation.

6 **Sec. 26-73. - Installation, operation of meters, pay stations, and remote pay systems.**

7 The city manager is hereby authorized to install and implement:

8 (1) Parking meters at the curb line, alongside of or next to individual parking spaces as
9 required. ~~Each parking meter shall be set so as to display a signal indicating whether or~~
10 ~~not the individual parking space adjacent thereto is in use.~~ Each parking meter shall be
11 installed and set to display a signal indicating legal parking upon deposit therein of the
12 required coin or coins of the United States of America, or by other mode of payment
13 compatible with the technology of the parking meter used in the city's parking program.
14 ~~Upon the deposit of the required coin or coins, or payment by other mode of payment~~
15 ~~compatible with the technology of the parking meter, such signal shall indicate legal~~
16 ~~parking for the period of time lawfully designated for that area and time of day.~~ Each
17 meter shall be so arranged that upon the expiration of the time paid for, it will provide a
18 visual cue to indicate that the lawful parking period has expired.

19 (2) Pay stations for control of parking on-street, parking lots and parking garages. Pay
20 stations shall be installed as appropriate to control a number of spaces not to exceed the
21 amount designated by the manufacturer's specifications to minimize efficiency and
22 facilitate access to parkers. Pay stations accept coins, and may also accept bills, credit
23 and debit cards as well as ~~high-tech~~ "smart cards". Pay stations ~~issue receipts and can~~

1 track revenue, usage and maintenance data, which is transmitted to a central computer
2 location.

3 (3) Remote pay systems for control of parking on-street, parking lots and parking garages.

4 **Sec. 26-74. - On-street parking and parking lots.**

5 (a) The city manager is authorized and directed to establish and appropriately mark
6 zones where lawful on-street parking is permitted. Maximum parking rates shall
7 be established by the city commission by resolution. The city manager shall
8 establish and maintain on file with the transportation and mobility department the
9 locations, designations, rate structure, rates within the maximum established by the
10 city commission, and method of payment. The city manager is authorized to
11 determine the time of day or day of week when payment is required.

12 (b) ~~The city manager is authorized and directed to maintain and appropriately mark the~~
13 ~~off street parking lots hereby established by the city for lawful parking as provided~~
14 ~~by this division. Table 1 below lists city parking lots by name and location:~~

15 TABLE 1. City Parking Lots

Parking Lot	Location
Lot No. 2	NW 2 nd Street between 2 nd and 3 rd Avenues
Lot No. 3	NE corner of N Main Street and 2 nd Avenue
Lot No. 4	SE 3 rd Street between SE 1 st and 2 nd Avenues
Lot No. 5	NE corner of E University Avenue and NE 1 st Street
Lot No. 6	SE corner of NE 1 st Street and 2 nd Avenue
Lot No. 8	SE corner of NE 5 th Street and 2 nd Avenue

Parking Lot	Location
Lot No. 9	SE 1 st Street between SE 1 st and 2 nd Avenues
Lot No. 10	Block bounded by SW 1 st Avenue; SW 1 st SW 2 nd Avenue and SW 2 nd Street
Lot No. 13	SW corner of W University Avenue and SW 1 st Street
Lot No. 15	800 block NW 5 th Avenue
Lot No. 16	900 block NW 5 th Avenue
Lot No. 17	1100 block NW 5 th Avenue
Lot No. 18	SW corner of NE 3 rd Avenue and 2 nd Street

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2 (c) ~~— The categories of parking on street and on parking lots that require a deposit in~~
3 ~~parking meters/pay stations of coin or coins or payment by other mode of payment~~
4 ~~compatible with the technology of the parking meter/pay station are: Short term~~
5 ~~parking (not exceeding four hours) and Long term parking (in excess of four~~
6 ~~hours). The city manager shall establish and maintain on file with the public works~~
7 ~~department a list of parking rates for all metered on street and parking lot spaces.~~
8 ~~Parking rates shall not exceed the maximum rates.~~

9 **Sec. 26-75. Parking Lots.**

10 The city manager is authorized and directed to maintain and appropriately mark the parking
11 lots established by the city for lawful parking. Maximum parking rates shall be established by
12 the city commission by resolution. The city manager shall establish and maintain on file with
13 the transportation and mobility department a list of parking lots by name and location, the
14 locations of the parking lots that require payment, the rate structure for parking lots, the rates

1 within the maximum established by the commission for each parking lot, the method of
2 payment, and the time of day or day of week when payment is required.

3 **Sec. ~~26-75~~ 26-76. - Garage parking.**

4 (a) The city manager is authorized and directed to maintain and appropriately mark the
5 following city owned and operated parking garage(s) ~~hereby~~ established by the city
6 for lawful parking, ~~as provided in this division:~~ The maximum rates for garage
7 parking shall be set by the city commission by resolution. The city manager shall
8 establish and maintain on file with the transportation and mobility department a list of
9 parking garages by name and location, the parking garages that require payment, the
10 rate structure for parking garages, rates within the maximum established by the city
11 commission, the time of day or day of week when payment is required, and method of
12 payment.

13 Garage No. 1 ~~Addressed as~~ 105 SW 3rd Street.

14 (b) ~~The following categories of garage parking require the deposit of coin or coins and/or~~
15 ~~bills and/or payment by other mode of payment compatible with the technology of the~~
16 ~~pay station/revenue control equipment as listed on Table 2 below:~~

17 **TABLE 2. ~~Parking Garage Rate Structure~~**

DAYTIME	Up to 1 hour
	Over 1 hour to 2 hours
	Over 2 hours to 4 hours
	Over 4 hours
	Contract Parkers

NIGHTTIME	Nightly Flat Rate
	Contract Parkers
SPECIAL EVENT	Daily Flat Rate
UNLIMITED ACCESS	Contract Parkers

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~~(e) The city manager shall establish and maintain on file with the public works department a list of parking rates for garage parking. The parking rates shall not exceed the maximum rates.~~

~~Sec. 26-76. - Exception for governmental vehicles.~~

~~The provisions of this division referring to overtime metered parking, or overtime signs, shall not be applicable to employees on official business in government owned vehicles, whether or not marked by governmental license plates or other official governmental marking. This provision is not intended to obviate initial payment of meter fees, nor is it to be used as a substitute for normal governmental employee parking.~~

Sec. 26-77. - Defacing, etc., meters; use of counterfeit devices.

It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter/pay station installed in accordance with this division or to deposit or cause to be deposited in any such meter/pay station designed to accept a coin or bills of the United States, a slug, device, metallic substance or any other substitute for a coin or bills of the United States. It shall be unlawful for any person to use any unauthorized or counterfeit item in meters/pay stations technologically capable of accepting modes of payment other than coins of the United States.

Sec. 26-78. - ~~Restricted long~~ Long term parking.

- 1 (a) The city manager is authorized to designate all or any part of a~~off street~~ parking lot or
2 parking garage for ~~restricted~~ long term parking, which means parking in excess of 4
3 hours, ~~designate whether the lot is low demand or high demand, and~~ establish
4 appropriate guidelines for administration and issuance of ~~the restricted~~ long term
5 parking permits program, and maintain a list of parking lots and parking garages
6 designated for long term parking on file with the transportation and mobility
7 department. ~~The off street parking lots eligible for restricted long term parking are~~
8 ~~numbered and identified in section 26-74 of this chapter.~~ Lots and garages designated
9 for ~~restricted~~ long term parking will be identified by signs posted at each entrance to the
10 lot or garage. ~~Restricted long term parking may be designated in the entire lot or a~~
11 ~~portion of the lot.~~
- 12 (b) Long term parking in a restricted long term parking lot designated parking lots or
13 parking garages requires the purchase ~~and display~~ of a paperless long term parking
14 permit. ~~The long term parking permit must be displayed so as to be plainly visible by~~
15 ~~hanging from rear view mirror of the motor vehicle.~~
- 16 (c) The city manager is authorized to issue long term parking permits ~~to any person upon~~
17 ~~payment of the required fees~~ for designated parking lots and parking garages. Such
18 permits may be purchased from the city to cover the period of time from the date of
19 purchase until the next succeeding June thirtieth or December thirty-first, whichever
20 occurs first. The city manager is authorized to establish a pro rata schedule for permits
21 purchased during the six-month period. The applicant shall provide in writing the
22 information required by the city manager before the permit is issued.
- 23 (d) The city manager is authorized to limit the number of long term parking permits sold.

- 1 (e) The city commission shall establish the maximum rate(s) for ~~restricted~~ long term
 2 parking by resolution.
- 3 (f) ~~In the event a long term parking permit is lost or stolen, upon proper certification to~~
 4 ~~the city manager, the lost or stolen permit shall be voided and a new permit shall be~~
 5 ~~issued upon payment of a fee as set by the city commission.~~
- 6 (g) ~~The applicant shall provide in writing the information required by the city manager~~
 7 ~~before the permit is issued.~~
- 8 (h)(f) It shall be unlawful for any person to alter or change any long term parking permit
 9 authorized by this section.
- 10 (i)(g) It shall be unlawful for any person to use or attempt to use ~~or display~~ any altered or
 11 changed long term parking permit.
- 12 (j)(h) If any person attempts the use of the privilege given by a long term parking permit
 13 authorized by this section, but does so in violation of the express provisions of this
 14 section, such person shall be punished for ~~violation of this section~~ unlawful alteration,
 15 use, or attempted use of an altered parking permit, as well as for illegal parking.
- 16 (i) It shall be unlawful for any person to park or leave standing any vehicle in a parking lot
 17 or parking garage that requires permits for long term parking without the purchase of a
 18 long term parking permit pursuant to this section. Any vehicle not in compliance with
 19 this section may be impounded in accordance with section 26-53.

20 **Sec. 26-79. - Parking within spaces required; impounding.**

21 It shall be unlawful for any person to park or leave standing any vehicle in such a position that
 22 the same shall not be entirely within the area designated as an individual parking space

1 whether the space has a parking meter or not; and any vehicle not so parked, may be
2 impounded in accordance with section 26-53.

3 **~~Sec. 26-80. - Parking without a permit in a restricted long term parking lot; impounding.~~**

4 ~~It shall be unlawful for any person to park or leave standing any vehicle in a restricted long
5 term parking lot without the purchase and display of a long term parking permit pursuant
6 to section 26-78(b). Any vehicle not in compliance with section 26-78(b) may be impounded in
7 accordance with section 26-53.~~

8 **~~Sec. 26-81~~ 26-80. - Overtime parking prohibited.**

9 (a) No person shall park a vehicle or permit the same to be parked or remain parked in any
10 parking space ~~next to which a parking meter has been installed~~ for which payment is
11 required during the regulated time applicable thereto unless ~~a coin of United States~~
12 ~~currency of the appropriate denomination~~ payment has been made and processed. as
13 ~~provided by section 26-74 shall have been deposited in the parking meter, or shall have~~
14 ~~been previously deposited therein for an unexpired interval of time and the meter has~~
15 ~~been placed in operation.~~

16 (b) ~~No person shall park a vehicle or permit the same to be parked or remain parked in any~~
17 ~~parking space next to which a parking meter has been installed during the regulated~~
18 ~~time applicable thereto while the parking meter for the space indicates by signal that the~~
19 ~~lawful parking time in the space has expired. This provision shall not apply to the act of~~
20 ~~parking or the necessary time which is required to deposit immediately thereafter a coin~~
21 ~~in the meter.~~

22 (e)(b) No person shall park a vehicle or permit the same to be parked or remain parked in any
23 parking space ~~next to which a parking meter has been installed~~ for which payment is

1 required during the regulated time applicable thereto for a consecutive period of time
2 longer than that limited period of time for which parking is lawfully permitted in ~~the~~
3 ~~that metered~~ parking space, irrespective of the ~~number or amounts of coins deposited in~~
4 ~~the meter~~ amount paid. The maximum consecutive period of time permitted in the space
5 shall be indicated either on the parking meter itself or upon an appropriate and visible
6 sign in the immediate area. The purpose of this provision is to prohibit the practice
7 referred to as feeding meters and to require the vehicle to be removed from a parking
8 space at or before the period of time has elapsed for a single-metered cycle of time as
9 permitted by the meter or time-limited parking space. If a vehicle is found parked in the
10 metered space or time-limited parking space and the vehicle is also found parked in the
11 same place at a time during the next succeeding normal time cycle lawfully permitted in
12 ~~the metered~~ that parking space, then the vehicle shall be deemed to be parked in
13 violation of the provisions of this section notwithstanding that additional payment has
14 been made ~~coins may have been deposited in the meter adjacent, to the parking space.~~
15 Each succeeding time cycle beyond that authorized for one period of time in the
16 parking space shall be deemed to be a violation of this section and the person
17 responsible therefor shall be required to pay a fine for each period the vehicle is so
18 parked.

19 ~~(d)~~ (c) All regulations in this subsection are applicable to ~~pay stations.~~ all paid time-limited
20 parking spaces in any category of parking in this division or designated by the city
21 commission, regardless of method of payment.

22 (d) The provisions of this section referring to overtime on-street paid parking, or overtime
23 signs, shall not be applicable to employees on official business in government owned

1 vehicles, whether or not marked by governmental license plates or other official
2 governmental marking. This provision is not intended to obviate initial payment of fees,
3 if any, for the maximum time limit posted for the space, nor is it to be used as a
4 substitute for normal governmental employee parking.

5 **~~Sec. 26-82.~~ - Parking rates.**

6 (a) ~~— The maximum rate for parking in the categories established in this chapter shall be set~~
7 ~~by resolution of the city commission.~~

8 (b) ~~— The city commission may establish additional categories of parking, including~~
9 ~~categories based on the time of day and/or day of week. Such additional categories and~~
10 ~~maximum rates shall be set by resolution of the city commission.~~

11 **~~Sec. 26-83 – 26-94~~ 26-81 – 26-94. - Reserved.**

12 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of this
13 ordinance will become and be made a part of the Code of Ordinances of the City of Gainesville,
14 Florida, and that the sections and paragraphs of this ordinance may be renumbered or relettered
15 in order to accomplish such intentions.

16 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance or
17 the application hereof to any person or circumstance is held invalid or unconstitutional, such
18 finding will not affect the other provisions or application of the ordinance which can be given
19 effect without the invalid or unconstitutional provisions or application, and to this end the
20 provisions of this ordinance are declared severable.

21 **Section 4.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
22 such conflict hereby repealed.

23 **Section 5.** This ordinance shall become effective immediately upon adoption.

1 **PASSED AND ADOPTED** this day of September, 2021.

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LAUREN POE, MAYOR

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Attest:

Approved as to form and legality:

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OMICHELE D. GAINERY
CITY CLERK

NICOLLE M. SHALLEY
CITY ATTORNEY

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12 This ordinance passed on first reading this day of September, 2021.

13 This ordinance passed on second reading this day of September, 2021.