

ORDINANCE NO. 510

**AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA
RELATING TO PARKING, KEEPING, OR STORING OF VEHICLES,
BOATS, AND TRAILERS ON PUBLIC AND PRIVATE PROPERTY;
PROVIDING PENALTIES AND ENFORCEMENT PROCEDURE; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Code of Ordinances (Code) currently restrict the keeping, parking, and storage of trailers, boats, and vehicles under conditions described in the Code; and

WHEREAS, a consolidation of related restrictions within the Code would be helpful to the public and for the enforcement of such provisions; and

WHEREAS, a more detailed statement of restrictions gives guidance to residents and visitors as to restrictions on vehicles (public and private), trailers, and boats.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, HEREBY ORDAINS:

Section 1: Paragraph 161.02 of the Land Development Code, subsection (E):

“Trucks, Boats and Campers. No trucks, boats, trailers, campers, or similar items shall be permitted in residential areas unless completely garaged.”

is repealed.

Section 2: **Parking in residential areas.**

It shall be unlawful for any person to park any vehicle displaying advertising signs or any truck (including pickup truck), trailer, commercial vehicle, or recreational vehicle, in or upon any property, public or private, in any area of the Town in a residential district. This prohibition, however, shall not apply in the following cases:

(A) Vehicles which are entirely enclosed within the confines of an enclosed garage.

(B) Vehicles used by licensed contractors or service establishments while actually doing work in such residential areas between the hours of 7:00 A.M. to 7:00 P.M., excluding Sundays and holidays, provided, however, that such vehicles shall contain written identification on both sides of the vehicle clearly indicating the name of the contractor or service establishment.

(C) Loading or unloading of trucks (including pickup trucks), trailers, or commercial vehicles, provided that such loading or unloading takes no more than two (2) hours, and is not done between the hours of 7:00 P.M. of one day and 7:00 A.M. of the next day.

(D) The loading or unloading of recreational vehicles as provided for under this Section.

(E) Mobile cranes and other heavy equipment used during building construction.

Section 3: **Trucks, trailers, commercial vehicles, and recreational vehicles--Parking upon streets and public places.**

Unless otherwise specifically provided for in the Town's Code of Ordinances, no trucks, trailers, commercial vehicles, or recreational vehicles shall be parked upon the streets or other public places of the Town between the hours of 7:00 P.M. on one day and 7:00 AM of the next day. This prohibition is in addition to the total prohibition covering residential areas as provided in Section 2.

Section 4: Boats and boat trailers.

- (A) Boats and boat trailers must be placed, kept, or stored only in a fully enclosed garage.
- (B) This provision shall not apply to boats in the water or being launched or removed from the water.

Section 5: Enforcement.

(A) Violation of the provisions of this Chapter shall be subject to enforcement and penalties as prescribed in this Chapter.

(B) Civil infraction.

(1) As used in this Chapter, the "Code Enforcement Officer" means any Public Safety Officer or an employee designated as agent of the Town to enforce Codes and Ordinances of the Town.

(2) For the purpose of this Chapter, violators shall be deemed to be those persons or entities legally responsible for violations of this Code.

(3) A Code Enforcement Officer who finds a violation of any section of this Code, as amended, and/or other Ordinances adopted by this Code, as amended from time to time, shall prescribe a reasonable time period within which the violator must correct the violation. This determination shall be based on considerations of ability to correct, severity of violation, nature, extent, and probability of danger or damage to the public, and other relevant factors relating to the reasonableness of the time period prescribed. A time for correction need not be specified if the violation is deemed to be an irredeemable violation.

(4) A Code Enforcement Officer who finds such a violation shall issue a civil violation notice to the violator. Service shall be effected by delivering the civil violation notice to the violator, or his agents, or by leaving the civil violation notice at the violator's usual place of abode with any person residing therein who is fifteen (15) years of age or older, and informing that person of its contents, or the civil violation notice may be sent by certified mail, return receipt requested. If service cannot be effected by any other means, posting of the civil violation notice in a conspicuous place on the premises or property upon which the violation has been observed may be performed. Such posting shall be deemed proper service, and the time for compliance stated in the notice shall commence with the date such notice is posted.

(C) Civil penalties

(1) The penalty for a violation may be up to Two Hundred Fifty and no/100 Dollars (\$250.00) for each violation and for each day of continuing or repeated violation.

(2) Continuing violations are those violations that remain uncorrected beyond the prescribed time period for correction contained in the civil violation notice. For each day of continued violation after the time period for correction has run, an additional penalty in the same amount as for the original violation shall be added.

Section 5: Right of violators; payment; right of appeal.

- (A) A violator who has been served with a civil infraction notice shall elect either to:
 - (1) Pay the civil penalty in the manner indicated on the infraction notice, and correct the violation within the time specified on the notice; or
 - (2) Request an administrative hearing before the Code Enforcement Board to appeal the determination of the inspector that resulted in the issuance of the civil infraction notice.
- (B) An appeal for administrative hearing shall be accomplished by filing a request in writing to set the hearing for review and mailed to the Code Enforcement Clerk or his/her designee or to the address indicated on the notice, not later than twenty (20) days after the service of the notice.

Section 6: Recovery of unpaid civil penalties; unpaid penalty to constitute a lien; foreclosure.

- (A) The Town may institute proceedings in a Court of competent jurisdiction to compel payment of civil penalties.
- (B) A certified copy of an Order imposing a civil penalty may be recorded in the Public Records of the County, and thereafter shall constitute a lien against the land on which the violation exists or existed; if the violator does not own the land, upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a Court Judgment by the Sheriffs of this State, including levy against the personal property, but shall not be deemed to be a Court Judgment, except for enforcement purposes. After three (3) months from the filing of any such lien that remains unpaid, the Town may foreclose or otherwise execute on the lien.
- (C) Nothing contained in this Chapter shall prohibit the Town from enforcing its Town Ordinance or Town Code by any other means. The enforcement procedures outlined herein are cumulative to all others, and shall not be deemed to be prerequisites to filing suit for enforcement of any section of this Code.

Section 7: All Ordinances or parts of Ordinances in conflict herewith or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 8: This Ordinance shall become effective immediately upon its passage and adoption by the Town Council of the Town of Indian River Shores, Florida.

1st Reading Passed: February 28, 2013
 Posted on Bulletin Board: March 7, 2013

Published in Newspaper: March 11, 2013
 2nd Reading Passed: March 21, 2013

I HEREBY CERTIFY that the foregoing Ordinance was finally passed by the Town Council of the Town of Indian River Shores, Florida, on the 21st day of March, 2013.

/s _____
 Brian Barefoot, Mayor

Attest:

/s _____
 Laura Aldrich, Town Clerk