

ORDINANCE 25-

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING TITLE VII – “TRAFFIC CODE,” CHAPTER 72 - STOPPING, STANDING, AND PARKING, ARTICLE I - GENERAL PROVISIONS, AND ARTICLE II – ADMINISTRATION AND ENFORCEMENT, BY AMENDING SECTION 72.01, PARKING PROHIBITIONS; AMENDING SECTION 72.03, PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES; AMENDING SECTION 72.10, UTILITY TRAILERS IN RESIDENTIAL ZONES; AND BY AMENDING SECTION 72.99, PENALTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida (“City”) desires to update Chapter 72 of the Port St. Lucie Code of Ordinances (“Code”) by amending Section 72.01 to define impervious and semi-impervious driveway surfaces; by amending Section 72.03 to include box trucks in the definition of commercial vehicle, to remove six-wheel vehicles from the definition of commercial vehicle, and to add six wheel dually trucks and first responder vehicles to the list of exceptions to restrictions on commercial parking; by amending Section 72.10 to revise the criteria for enclosed utility trailers, to change the size limitations for open utility trailers, and to prohibit parking of enclosed utility trailers and open utility trailers in the rear of the principal structure unless behind a privacy fence; and by amending Section 72.99 to increase fines for parking violations, and to allow violations of Chapter 72 to be brought before the Special Magistrate.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

Section 2. Chapter 72, Stopping, Standing, and Parking, Article I, General Provisions, Section 72.01 is hereby amended as follows:

Sec. 72.01. Parking prohibitions.

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall stop, stand, or park a vehicle:

Additions to text are indicated by underline; ~~strikethrough~~ indicates deletion

- (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (2) On a sidewalk.
- (3) Within an intersection.
- (4) On a crosswalk.
- (5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the city indicates a different length by signs or markings.
- (6) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
- (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (8) On any railroad tracks.
- (9) On a bicycle path.
- (10) At any place where official traffic-control devices prohibit stopping.
- (11) On the roadway or shoulder of a limited access facility, except as provided by regulation of the Department of Transportation, or on the paved portion of a connecting ramp; except that a vehicle which is disabled or in a condition improper to be driven as a result of mechanical failure or accident may be parked on such shoulder for a period not to exceed six hours. This provision is not applicable to a person stopping a vehicle to render aid to an injured person or assistance to a disabled vehicle in obedience to the directions of a law enforcement officer or to a person stopping a vehicle in compliance with applicable traffic laws.
- (12) For the purpose of loading or unloading a passenger on the paved roadway or shoulder of a limited access facility or on the paved portion of any connecting ramp. This provision is not applicable to a person stopping a vehicle to render aid to an injured person or assistance to a disabled vehicle.
- (13) Other than on the right-hand side of any two-way street.
- (14) Within any area designated as a zone for emergency vehicles or fire lanes.
- (15) In the swale area of a residential property without permission from the owner or the authorized legal occupant of the residential property. Exception shall be made for any government vehicles, including but not limited to, Federal, State, and local government vehicles or any emergency response vehicles, including but not limited to police department, fire department, utility and/or any municipal fleet vehicles, and authorized contractors working on behalf of the above listed agencies while in the commission of their duty.

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- (b) Stand or park a vehicle, whether occupied or not, except momentarily engaging in the expeditious loading or unloading of a passenger or passengers:
 - (1) In front of a public or private driveway.
 - (2) Within 15 feet of a fire hydrant.
 - (3) Within 20 feet of a crosswalk at an intersection.
 - (4) Within 30 feet of the approach to any flashing signal, stop sign, or traffic-control signal located at the side of a roadway.
 - (5) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when properly signposted).
 - (6) On an exclusive bicycle lane.
 - (7) At any place where official traffic-control devices prohibit standing.
 - (8) Notwithstanding anything hereinabove, in the swale area of a residential property.
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in loading or unloading merchandise or passengers:
 - (1) Within 50 feet of the nearest rail of a railroad crossing unless the state department of transportation establishes a different distance due to unusual circumstances.
 - (2) At any place where official signs prohibit parking.
- (d) No person shall stop, stand, or park a vehicle upon the shoulder of the roadway within any city right-of-way unless the vehicle is stopped or parked with the left or right side of the vehicle nearest the roadway parallel to the edge of the roadway.
- (e) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.
- (f) A law enforcement or parking enforcement officer who discovers a vehicle parked in violation of this section may issue a ticket, in a form used by the city.:
 - (1) To the driver or registered owner of the vehicles; or
 - (2) If the vehicle is unattended, to the registered owner of the vehicle, leaving the ticket in a conspicuous place on the vehicle.
- (g) No person shall stand or park a vehicle upon or within the traveled roadway or within 12 inches of the edge of the pavement within the traveled roadway, except momentarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers or performing work within the traveled roadway.
- (h) Parking of a vehicle shall be prohibited on any portion of an improved residential building site considered to be the front yard of that building site, except in the area specifically designed and constructed for such use. Construction may consist of ~~a generally accepted~~

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~~impervious, semi-impervious, or other material clearly defining the parking area. However, parking shall be absolutely prohibited in the wide side of the front yard. The wide side of the front yard is identified as that portion of the front yard found to be forward of the outside front corners of the residential structure and that side of the driveway which yields the larger area for lawn and/or landscaping.~~ the following impervious surfaces: concrete, asphalt, paver blocks, stone pavers, and rock pavers. Semi-impervious surfaces, consisting of stone or rock, may be used, provided that a clearly defined border to prevent erosion, is constructed.

Section 3. Chapter 72, Stopping, Standing, and Parking, Article I, General Provisions, Section 72.03 is hereby amended as follows:

Sec. 72.03 – Parking of commercial vehicles in residential zones.

- (a) Definitions. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Bus~~Bus~~. Every vehicle designed to seat and carry 12 or more persons within it.

Commercial vehicle. Every vehicle designed, used, or maintained primarily for the carriage of goods with a gross vehicle weight of 10,000 pounds or more; has the capacity to transport more than ten passengers, including the driver; or is used to transport hazardous materials. However, vehicles with a gross vehicle weight of less than 10,000 pounds shall be classified as commercial vehicles if they meet any of the following classifications:

- (1) Dump trucks;
- (2) Tow trucks or wreckers;
- (3) Flat bed trucks and stake bed trucks;
- (4) Specifically designed trailer-hauling vehicles (Mini Mack, Peterbuilt, and the like);
- (5) Step vans;
- (6) Chemical tank trucks;
- (7) Box trucks; or
- ~~(7)~~ Any pickup or van openly or outwardly storing equipment, materials or supplies. Commercially manufactured camper-type toppers or shell toppers and canvass or tarpaulin covers securely fastened to the vehicle may be utilized to cover or enclose equipment, materials or supplies. Open storage of ladders on racks designed and installed for that purpose will be acceptable, provided the ladders do not extend beyond the ends of the vehicle.
- ~~(8) Six wheel trucks unless used primarily for noncommercial purposes. Six wheel trucks shall be presumed to be commercial vehicles, which presumption may be rebutted upon application to the city manager or his designee. The criteria the city manager, or his designee, shall consider in such review are as follows:~~

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- ~~a. *Ownership.* Whether owned by a business or an individual.~~
- ~~b. *Equipment.* Whether there is attached to the vehicle any equipment generally utilized for commercial purposes.~~
- ~~c. *Signage.* Whether there is any signage on the vehicle.~~
- ~~d. *Use.* Actual use of the vehicle as indicated by the applicant.~~

(9) Six wheel trucks outfitted with a commercial truck bed, no truck bed, commercially manufactured topper or commercial equipment.

Heavy equipment. Every motor vehicle designed or equipped with machinery for use in the nature of well drilling, excavation, construction, spraying and lawn mowing, but not that normally used for private residences, and the like.

Parking. The leaving or allowing of a vehicle to remain within a radius of 1,320 feet in all directions from the place wherein the motor vehicles was first stopped.

(b) *Restrictions on commercial parking.* It is declared unlawful for any individual to park or cause to be parked any commercial vehicle, bus, or heavy equipment, as defined herein in any residential zone or on any streets abutting lots so zoned.

(c) *Exceptions.* Nothing contained in subsection (b) above, shall apply to the following situations:

- (1) To the temporary parking of such vehicles on private property in residential districts whereon construction is under way for which a current and valid building permit has been issued by the city and the permit is properly displayed on the premises;
- (2) Where the vehicle is involved in making deliveries or providing a service, or performing public utility repairs and isolated instances of routine maintenance and repair to a residence and the curtilage thereof;
- (3) To a situation where a vehicle becomes disabled and as a result of the emergency is required to be parked within a residential district for longer than one hour. However, any such vehicle shall be removed from the residential district within 24 hours by wrecker towing, or by other appropriate means, regardless of the nature of the emergency;
- (4) Where the vehicle is completely enclosed in a garage or similar type structure containing four walls and a roof.
- (5) Pick-up trucks and vans, as defined in subsection (a)(7) of this section, shall be permitted to park in residential zones for a period not to exceed one hour between the hours of 7:00 a.m. and 8:00 p.m. This exception is in addition to and not in limitation of the exception provided in subsection (c)(2) of this section.

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(6) ~~To the~~Any service vehicle, including vehicles operated by of a local government or by a citizen or entity under contract with a local government, that provides support services to first responders or is ~~which is parked on a driveway and being~~ utilized by an on-call ~~employee~~individual performing for an essential governmental ~~service-function~~, provided that such vehicle is parked on a paved driveway.

(7) A six wheel truck outfitted with a noncommercial truck bed or topper registered as and used for noncommercial purposes.

(d) *Time periods.* The time periods referred to hereinabove shall commence at the time of first stopping or parking unless a permit is first obtained from the police department.

(e) *Conflicts.* This section is primarily for the purpose of protecting residential zoning. Therefore, any ordinances of this city or laws of this state providing for the regulation of motor vehicles, are in addition to this section, and wherever any provision of some other ordinance or applicable statute, whether primarily for the regulation of motor vehicles or for the purposes of zoning, imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of this section, then the more stringent requirements, regulations, restrictions, or limitations shall apply.

Section 4. Chapter 72, Stopping, Standing, and Parking, Article I, General Provisions, Section 72.10 is hereby amended as follows:

Sec. 72.10. Utility trailers in residential zones.

(a) *Definitions.* For the purpose of this section, the following definitions shall apply.

"Enclosed utility trailer" shall mean any vehicle without its own motive power designed to haul cargo while being towed by a car or truck on public roadways, and

- (i) Is professionally manufactured;
- (ii) Does not exceed 20 feet in overall length;
- (iii) Has a gross vehicle weight of less than 10,000 pounds;
- (iv) ~~Does not display any commercial lettering, wording, symbols, logos, painting or artwork, nor magnetic or non-magnetic materials designed to cover up any such commercial lettering, wording, symbols, logos, painting or artwork;~~

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- (iv) Is fully enclosed with four (4) sides and a top by metallic materials keeping the interior cargo closed from view.

"Open utility trailer" shall mean any vehicle without its own motive power designed to haul cargo while being towed by a car or truck on public roadways; and

- (i) The sides of which shall not exceed three (3) feet from the top of the trailer bed;
- (ii) ~~The size of the trailer bed shall not exceed 32 square feet;~~ Does not exceed 20 feet in overall length.
- (iii) ~~Shall not be utilized for commercial purposes.~~

(b) *Parking; enclosed utility trailers.* Only one enclosed utility trailer shall be allowed to be parked or stored on a residential parcel and must be parked on a paved driveway or to the side ~~or rear~~ of the principal structure; Parking to the rear of the principal structure is prohibited unless said enclosed utility trailer is entirely behind a legally permitted, opaque privacy fence with a minimum height of six (6) feet, provided the applicable a ten-foot rear yardlot setback is maintained.

(c) *Parking; open utility trailers.* Only one open utility trailer shall be allowed to be parked or stored on a residential parcel and must be parked on a paved driveway or to the side ~~or rear~~ of the principal structure; Parking to the rear of the principal structure is prohibited unless said open utility trailer is entirely behind a legally permitted, opaque privacy fence with a minimum height of six (6) feet, provided the applicable a ten-foot rear yardlot setback is maintained. Open utility trailers parked in a residential district shall not be used for the storage of junk, litter or debris.

(d) *Parking prohibited.* No trailer, other than major recreation equipment as determined in Section 158.217(e), enclosed utility trailer or open utility trailer, as defined herein may be parked or stored on any lot in a residential district unless said vehicle is stored inside a closed garage consisting of four walls and a roof.

Section 5. Chapter 72, Stopping, Standing, and Parking, Article II, Administration and Enforcement, Section 72.99 is hereby amended as follows:

Sec. 72.99 – Penalty.

- (a) Violations of parking regulations of this chapter shall be punishable by a fine as follows:
 - (1) Violations of Florida Statutes regulating handicapped parking: \$250.00.

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- (2) All other parking violations (except as provided for in subsection (b) below): ~~\$25.00.~~ \$50.00. Each day upon which any such violation shall occur shall constitute a separate offense.
- (b) ~~Any person found guilty of violating any provision of~~ Violations of section 72.03 shall be punished by a fine of ~~\$100.00~~\$200.00 for a first offense, ~~\$150.00~~\$350.00 for a second offense and ~~\$250.00~~\$500.00 for a third and subsequent offense. Each day upon which any such violation shall occur shall constitute a separate offense.
- (c) In addition to all other penalties provided for herein, there is hereby imposed a surcharge of ten dollars (\$10.00) on all parking fines to be used for funding a school crossing guard program. This surcharge shall be paid by the Clerk of the Circuit Court into the School Crossing Guard Trust Fund, maintained by the city. Funds collected from this surcharge shall be distributed quarterly to fund a school crossing guard program as authorized by Sections 316.660(3) and 318.21(11), Florida Statutes.
- (d) Violations of Chapter 72 may be enforced by proceedings brought before the Special Magistrate.

Section 6. Conflict. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 7. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 8. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

Section 9. Effective Date. This Ordinance shall become effective ten (10) days after final adoption on second reading.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2025.

CITY COUNCIL
CITY OF PORT ST. LUCIE

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By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: _____
Richard Berrios, City Attorney