DIVISION 1 - GENERALLY

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Sec. 36-61. - Penalty.

(a) Any person violating any provision of this article as listed in this section shall be fined as follows:

   (1) $250.00 for violation of section 36-100. All fines received from penalties for this violation shall be deposited in a separate municipal account to be used in the following manner:

      a. 1/3 to be used to defray expenses for the administration of handicapped parking violations.

      b. 2/3 to be used to provide funds to improve accessibility and equal opportunity to qualified physically disabled persons and to provide funds to conduct public awareness programs in the city.

   (2) $30.00 for violation of any other section of this article if payment is made within ten days of the date of violation;

   (3) If payment is made after ten days of the date of violation but prior to 60 days of the date of violation, the fee is increased to $40.00; and the fee is increased to $50.00 if payment is made more than 60 days after the date of violation.

(b) A surcharge of $2.00 will be added on all parking fines for the sole purpose of funding the school crossing guard program, in accordance with F.S. § 318.21(11)a. The proceeds from the school crossing guard trust fund will be established in accordance with F.S. § 318.21(11)b, for the purpose of this surcharge.

   (Code 1957, § 23-12.2(a); Code 1994, § 62-61; Ord. No. 95-7424, § 1, 5-3-1995; Ord. No. 03-10172, § 1, 9-3-2003; Ord. No. 09-12448, § 1, 6-3-2009)

Sec. 36-62. - School crossing guard trust fund established; purpose; use of proceeds.

(a) There is hereby created the City of Naples School Crossing Guard Trust Fund, pursuant to F.S. § 318.21(11).
(b) The fund shall be funded from proceeds that include all proceeds from a surcharge on parking fines as provided in this chapter.

(c) The sole purpose of the use of funds that are funded by the surcharge on parking fines is the funding of school crossing guard programs; however, funds from the surcharge may be set aside to pay for startup costs and recurring administrative costs related to printing new tickets or other means of implementing the program.


Sec. 36-63. - Posting and removal of signs.

The city manager is authorized to direct the posting or removal of signs restricting or regulating parking on the rights-of-way of the city. The city manager may only exercise this authority after taking into consideration the traffic and parking requirements relating to the area proposed for regulation and shall take into consideration:

(1) The needs of the adjoining property owners;
(2) Whether the area is residential or commercial;
(3) The particular parking restriction proposed; and
(4) Such other factors that the city manager may be directed to consider by the city council.


Sec. 36-64. - Parking for purpose of displaying vehicle for sale or repairs.

No person shall stand or park a vehicle upon any state, federal or local public right-of-way within the city for the principal purpose of:

(1) Displaying the vehicle for sale.
(2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

(State law reference— Similar provisions, F.S. § 316.1951.)

Sec. 36-65. - Using vehicle for primary purpose of advertising and sale of merchandise.

No person shall operate or park on any street any vehicle for the primary purpose of advertising or for the sale of any merchandise or anything of value unless a permit therefor is first obtained from the police chief.


Sec. 36-66. - Impoundment.

(a) The police chief or any police officer is authorized to provide for the removal of a vehicle to a vehicle storage lot or other place designated by the police chief found unattended in the following instances:

(1) Where such vehicle constitutes an obstruction of traffic;
PART II - CODE OF ORDINANCES
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DIVISION 1. - GENERALLY

(2) Where such vehicle has been parked or stored on the public right-of-way or city parking lot for a period exceeding 48 hours, in other than designated parking areas;

(3) Where such vehicle has been involved in an accident and the driver is unable to remove the vehicle;

(4) When the driver of a vehicle is taken into custody by the police department and the vehicle would thereby be left unattended upon a street;

(5) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason; and

(6) Where a vehicle is parked in violation of this chapter.

(b) If a vehicle is removed pursuant to this section, the registered owner will be notified in writing that the vehicle was towed and the location of the storage area. An inventory receipt will be suitable for this purpose. The notification will be sent to the address on record with the state department of highway safety and motor vehicles.

(c) The police department will provide the state department of highway safety and motor vehicles with a full description of the towed vehicle within 24 hours of impoundment. This information will be made available to the applicable storage area upon their request.

(d) No vehicle impounded in an authorized storage area pursuant to this section shall be released therefrom until the charges for towing the vehicle into the storage area and storage charges have been paid. The charge for the towing or removal of any impounded vehicle and storage charges shall be fixed by the city manager, which charges are to be based upon the actual cost of the removal and storage of the vehicle, as may be set forth in the city's contract with the authorized towing service.


State law reference— Parking restrictions, F.S. § 316.194 et seq.

Sec. 36-67. - Limitation on parking in nonmetered off-street parking area.

A 2-hour parking limit is established for those areas designated as nonmetered off-street parking areas in the city.


Sec. 36-68. - Valet parking.

Valet parking that uses a portion of the public right-of-way for pick-up or drop-off, or that uses the public right-of-way to transport vehicles to the parking area, shall comply with Section 17: On Street Parking and Valet Parking, of the Public Right-of-Way Construction Standards Ordinance and Handbook. Violation of the provisions contained in that ordinance constitute a violation of this division.

(Ord. No. 08-12285, § 2, 12-3-2008)

Secs. 36-69—36-90. - Reserved.
DIVISION 2. - PROHIBITED PARKING

Sec. 36-91. - Curbline marked by yellow paint.
Sec. 36-92. - Loading zones.
Sec. 36-93. - Parking in right-of-way; obstructing width of roadway.
Sec. 36-94. - Obstructing alley.
Sec. 36-95. - Buses or taxicabs in business district.
Sec. 36-96. - Vehicles in bus stops or taxicab stands.
Sec. 36-97. - Time limits between 2:00 a.m. and 6:00 p.m.
Sec. 36-98. - Hazardous or congested places.
Sec. 36-99. - Fire lanes.
Sec. 36-100. - Disabled person parking spaces.
Sec. 36-101. - Parking on certain streets and places between 11:00 p.m. and 5:00 a.m.
Sec. 36-102. - Certain parts of Gulf Shore Boulevard.
Sec. 36-103. - Permit parking in city-owned parking lots, permits for launching of vessels, and permits for loading and off-loading construction material at Naples Landing Park.
Sec. 36-104. - Beach parking permit.
Sec. 36-105. - Sidewalks, bike paths or bike lanes.
Sec. 36-106. - Unregistered vehicles or vehicles with expired tag.
Secs. 36-107—36-130. - Reserved.

Sec. 36-91. - Curbline marked by yellow paint.

(a) No person shall park a vehicle east of Gulf Shore Boulevard in any area where the curbline is visibly marked by yellow paint indicating that no parking is permitted in the area, and the yellow paint marking shall have the effect of a no parking sign.

(b) No person shall park a vehicle west of Gulf Shore Boulevard in any area where the curbline is visibly marked by yellow paint indicating that no parking is permitted in the area, and the yellow paint marking shall have the effect of a no parking sign.

(Code 1957, § 23-9(b); Code 1994, § 62-92)

Sec. 36-92. - Loading zones.

No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a loading zone during hours when the provisions applicable to loading zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.
DIVISION 2. - PROHIBITED PARKING

Sec. 36-93. - Parking in right-of-way; obstructing width of roadway.

The stopping, standing, or parking of any vehicle (which includes loading or unloading of materials) in the public right-of-way is prohibited except under any of the following conditions (exceptions do not apply where signage prohibiting parking is posted):

1. Parking in a parking space designated by the city.
2. Parking in accordance with a city right-of-way permit.
3. Parking pursuant to a special event as approved by city council.
4. Parking as permitted by the city manager.
5. Parking on the landscaped right-of-way:
   a. For scheduled religious facility, school or government activities; or
   b. As provided in the property maintenance code with the written approval of the authorized representative of the property abutting the landscaped right-of-way where the vehicle is parked; or
   c. For a period not to exceed 2 continuous hours in a 24-hour period for a vehicle of a person performing work or providing service to the property abutting the landscaped right-of-way; or
   d. For a period not to exceed 6 continuous hours in any 24-hour period for a vehicle of a person not performing work or providing service to any property with the written approval of the authorized representative of the property abutting the landscaped right-of-way.
6. Parking on the paved portion of the right-of-way:
   a. For a period not to exceed 2 continuous hours in any 24-hour period for a vehicle of a person performing work or providing service to the property abutting the right-of-way where no less than 12 feet of paved right-of-way remains available for the free movement of vehicular traffic; or
   b. For a period not to exceed 6 continuous hours in any 24-hour period for a vehicle of a person not performing work or service on any property where no less than 16 feet of paved right-of-way remains available for the free movement of vehicular traffic. A vehicle with lettering on it which provides the name of an entity and the entity provides work or a service is limited to the parking duration of subsection (6)a above; or
   c. Where parking has been approved pursuant to the property maintenance code construction site management plan.
7. Stopping, standing or parking may occur upon a street in obedience with traffic regulations, traffic signs or signals or direction by a police officer.
8. Authorized representative of the property for purposes of this section shall mean and include (i) the property owner; or (ii) a tenant where the lease is for the entire premises; or (iii) a manager of an apartment complex; or (iv) a manager or member of the board of directors of a parcel subject to the condominium or cooperative form of ownership.

(Code 1957, § 23-9(c); Code 1994, § 62-93)
Sec. 36-94. - Obstructing alley.

No person shall park a vehicle within an alley for over 15 minutes unless there is left available not less than 8 feet of the width of the roadway for the free movement of vehicular traffic.

(Code 1957, § 23-9(e); Code 1994, § 62-95)

Sec. 36-95. - Buses or taxicabs in business district.

The driver of a bus or taxicab shall not stand or park a vehicle upon any street in any business district at any place other than a bus stop or taxicab stand, respectively, except that this section shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

(Code 1957, § 23-9(f); Code 1994, § 62-96)

Sec. 36-96. - Vehicles in bus stops or taxicab stands.

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately signed. However, the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

(Code 1957, § 23-9(g); Code 1994, § 62-97)

Sec. 36-97. - Time limits between 2:00 a.m. and 6:00 p.m.

Where signs are erected in each block giving notice thereof, no person shall park a vehicle on any street for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 6:00 p.m. of any day, except physicians on emergency calls.

(Code 1957, § 23-9(h); Code 1994, § 62-98)

Sec. 36-98. - Hazardous or congested places.

Where signs are erected upon approach to hazardous or congested places, no person shall stop, stand or park a vehicle in any such designated place.

(Code 1957, § 23-9(i); Code 1994, § 62-99)

Sec. 36-99. - Fire lanes.

No person shall stop, stand or park a vehicle in any area designated as a fire lane, except for the purpose of loading or unloading disabled passengers.

(Code 1957, § 23-9(j); Code 1994, § 62-100)
Sec. 36-100. - Disabled person parking spaces.

No person shall stop, stand or park a vehicle within any parking space specially designated and marked for disabled persons, except those persons so authorized under F.S. § 320.0848.

(Code 1957, § 23-9(k); Code 1994, § 62-101)

Sec. 36-101. - Parking on certain streets and places between 11:00 p.m. and 5:00 a.m.

(a) No person shall park a vehicle on any east-west avenue west of Gulf Shore Boulevard between 20th Avenue South and 8th Avenue North, on 32nd Avenue South and 33rd Avenue South west of Gordon Drive, on Vedado Way, Via Miramar, or Horizon Way, on 12th Avenue South west of 2nd Street South or in the city pier parking lot on the southeast corner of 12th Avenue South and Gulf Shore Boulevard between the hours of 11:00 p.m. and 5:00 a.m. Exempted from this section is 8th Avenue North.

(b) Any vehicle parked in violation of this section and left unattended is declared to be a public nuisance and the police department is directed to have such vehicle towed away in accordance with section 36-66. Parking in Lowdermilk Park shall be prohibited as posted.


Sec. 36-102. - Certain parts of Gulf Shore Boulevard.

(a) No person shall park a vehicle at any time on Gulf Shore Boulevard between 20th Avenue South and 8th Avenue North (Golf Drive).

(b) Any vehicle parked in violation of this section and left unattended is declared to be a public nuisance, and the police department is directed to have such vehicle towed away in accordance with section 36-66.


Sec. 36-103. - Permit parking in city-owned parking lots, permits for launching of vessels, and permits for loading and off-loading construction material at Naples Landing Park.

(a) No person shall park a vehicle at any time in a parking space in a city-owned parking lot which is marked "permit parking only," unless a current parking permit from the city is in force for that vehicle, and such vehicle prominently displays a current city permit parking sticker.

(b) The city will make available for sale annual parking permits, vessel launching permits, and permits for loading and off-loading of construction material for use exclusively at Naples Landing Park, allowing parking at designated spaces for holders of current permits. Vehicles must prominently display permits. Fees for annual parking permits, vessel launching permits, and permits for loading and off-loading of construction material shall be set by resolution.

(Code 1957, § 23-9(o); Code 1994, § 62-104; Ord. No. 02-9552, § 1, 3-20-2002; Ord. No. 09-12470, § 1, 6-17-2009)
Sec. 36-104. - Beach parking permit.

No person shall stop, stand or park any vehicle in permit parking spaces designated by a sign, as provided for in F.S. § 316.1945(1)(a)10, located west of Gulf Shore Boulevard or Gordon Drive on all beach access avenues, unless the parked vehicle has an unexpired city or unexpired county beach parking permit firmly affixed to the vehicle as provided in the permit.

(Code 1957, § 23-9(p); Code 1994, § 62-105; Ord. No. 09-12537, § 1, 10-7-2009)

Sec. 36-105. - Sidewalks, bike paths or bike lanes.

(a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Bicycle* means every vehicle propelled solely by human power upon which any person may ride, having 2 tandem wheels, and including any vehicle generally recognized as a bicycle though equipped with 2 front or 2 rear wheels, except such vehicles with a set height of no more than 25 inches from the ground when the seat is adjusted to its highest position and except scooters and similar devices.

*Bicycle lane* or *bike lane* means a portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

*Bicycle path* or *bike path* means a bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

*Bicycle route* or *bike route* means a segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

*Bikeway* means any road, path or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

*Sidewalk* means the portion of a street right-of-way for preferential or exclusive use by pedestrians.

*Sidewalk/bike path* means the combined use of a portion of a street right-of-way for both pedestrians and bicycles.

(b) **Exceptions.** No person shall stop, stand or park any vehicle upon a sidewalk, bike path or bike lane, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals or a police officer.

(Code 1957, § 23-9(r); Code 1994, § 62-107)

Sec. 36-106. - Unregistered vehicles or vehicles with expired tag.

No person shall park an unregistered vehicle or a vehicle with an expired tag in any street right-of-way or in any public access parking area or lot in the city, except vehicles brought for repair, sale or resale to auto repair businesses and parked on property legally utilized by such businesses.


Secs. 36-107—36-130. - Reserved.
DIVISION 3. - PARKING RECREATIONAL VEHICLES

Sec. 36-131. - Definitions.

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

Regularly or periodically utilized for dwelling purposes means the preparation or serving of any meals involving the cooking of foods or the use of a vehicle for office or business headquarters or human habitation.

(Code 1957, § 24-1(c); Code 1994, § 62-131)

Cross reference— Definitions generally, § 1-2.

Sec. 36-132. - Parking prohibited in certain areas.

It shall be unlawful for any person to park or permit the parking of a trailer, motor home, camper, boat trailer, tractor-trailer, bus, covered truck, van or other vehicle regularly or periodically utilized for dwelling purposes or trucks with a capacity exceeding ¾ ton on any public street in the following described area: From Bay Road to 20th Avenue South, from a line on the east side of Gordon Drive west to the Gulf of Mexico; and from a line on the east side of Gulf Shore Boulevard west to the Gulf of Mexico, from 20th Avenue South to the northern city limits.

(Code 1957, § 24-1(a); Code 1994, § 62-132)

Sec. 36-133. - 1-hour parking.

It shall be unlawful to park any trailer, motor home, camper, boat trailer, tractor-trailer, covered truck, van or other vehicle regularly or periodically utilized for dwelling purposes on the public streets of the city not designated in section 36-132 for a period of time in excess of 1 hour.

(Code 1957, § 24-1(b); Code 1994, § 62-133)

Sec. 36-134. - Violation, penalty.

(a) Any person violating this division shall be fined the sum of $20.00 if payment is made within 10 days of the date of violation, $35.00 if payment is made after 10 days of the date of violation but prior to 60
DIVISION 3. - PARKING RECREATIONAL VEHICLES

days of the date of violation and $50.00 if payment is made more than 60 days after the date of violation.

(b) Any person charged with violation of this division, in lieu of paying the fine set forth in subsection (a) of this section, may elect to have a court hearing before the court having jurisdiction thereof, and upon conviction of the violation such person shall be subject to a fine of $25.00 or as otherwise provided by state law.

(Code 1957, § 24-1(d), (e); Code 1994, § 62-134)

Secs. 36-135—36-160. - Reserved.
ARTICLE IV. - PARKING METERS

Sec. 36-161. - Established; placement by city council.

Parking meters are established within the territorial limits of the city, and the placement of these meters shall lie entirely within the power of the city council.


Sec. 36-162. - Hours of operation.

(a) Parking meters shall be in effect from 8:00 a.m. to 11:00 p.m. at all locations except as designated below:

(1) Parking meters or a parking master meter shall be in effect in Lowdermilk Park, Bayview Park and the beach access in Seagate during the hours as posted at the park.

(2) Parking meters shall be in effect from 8:00 a.m. to 6:00 p.m. daily, including Sundays and holidays, at the Naples Landing, located on the east side of 9th Street South at Naples Bay, near the intersection of 11th Avenue South.


Sec. 36-163. - Meter rates.

Rates for meters shall be: $0.25 for ten minutes.


Sec. 36-164. - Violations; penalties; payment of fines; public utility and city vehicles parking in metered areas.

(a) Any person violating any section of this article, shall be fined $20.00 if payment is made within ten days of the violation, $35.00 if payment is made after ten days of the date of violation but prior to 60 days of the date of violation and $50.00 if payment is made more than 60 days after the date of violation.

(b) Any person charged with violation of any section of this article, in lieu of payment of the fine set forth in subsection (a) of this section, may elect to have a court hearing before the court having jurisdiction.
thereof, and upon conviction of the violation, such person shall be subject to a fine of $25.00 for a violation of any section, except for section 36-162(a). A violation of section 36-162(a) shall be subject to a fine of $50.00 or as otherwise provided by state law. Any person who elects to have a court hearing as provided in this subsection and fails to appear at the hearing, after timely notice is received, shall be punished as provided in section 1-15. Proof of mailing the notice of hearing by U.S. mail shall constitute prima facie evidence that the notice was received.

(c) A separate offense shall be deemed committed upon each period of time greater than the maximum provided for on the parking meter.

(d) Payment of fines shall be made by bringing or mailing the fine to the finance department.

(e) Whenever it is necessary for public utility vehicles and city vehicles to park in metered areas for service calls, they may be permitted to do so at no cost.

(f) A surcharge of $2.00 will be added on all parking fines for the sole purpose of funding the school crossing guard program, in accordance with F.S. § 318.21(11)a. The proceeds from the school crossing guard trust fund will be established in accordance with F.S. § 318.21(11)b, for the purpose of this surcharge.