

ORDINANCE NO. 04-2021

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA AMENDING CHAPTER 17 TRAFFIC AND MOTOR VEHICLES, SECTION 17-5 PARKING REGULATIONS; CONSTRUCTION SITES; SERVICE VEHICLES OF THE CODE OF ORDINANCES OF THE TOWN OF JUPITER INLET COLONY, FLORIDA IN ORDER TO AMEND TO REGULATIONS PERTAINING TO THE PARKING OF VEHICLES AT CONSTRUCTION SITES; PROVIDING FOR ENFORCEMENT; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA, AS FOLLOWS:

SECTION 1. CHAPTER 17 TRAFFIC AND MOTOR VEHICLES, Section 17-5 Parking regulations; construction sites; service vehicles of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida are hereby amended as follows:

Sec. 17-5. - Parking regulations; construction sites; service vehicles.

- (a) The following regulations shall apply to the parking of all vehicles at or near a construction site at which any Ttown permit(s) have been issued authorizing said construction. All vehicles shall be parked in compliance with this Ssection in the order of priority or sequence as follows:
  - (1) All vehicles associated with construction sites shall park on the specific property in the front, side or back yard(s) of the site. When all available site spaces are used, then parking shall be conducted as provided by subsection (2) below.
  - (2) Vehicles shall next be parked in the swale (which is normally typically a ten-foot wide area off of the road pavement) directly in front of the specific construction site, ~~with vehicles parked in the direction of traffic parallel to the paved roadway.~~ If practical, vehicles parked in the swale shall be parked perpendicular to the right-of-way. In the event parking in the swale is utilized, a temporary stabilized surface consisting of crushed rock or similar materials extending a minimum of fifteen (15) feet from the road pavement is required. When all available space in the swale area is utilized then parking shall be conducted as set forth in subsection (3) below.
  - (3) Upon obtaining written permission from the real property owner, vehicles shall next be parked on empty lots and other privately owned property driveways. If written permission from the owner is not obtained or when all

available space is utilized, then parking shall be conducted as set forth in subsection (4) below.

(4) Vehicles shall be parked on the paved portion of the Ttown roadways directly in front of the specific construction site only as a last resort. Before any vehicles are parked on the paved roadway, all driveways on the construction site shall be utilized for the parking of construction vehicles. Except as set forth in this subsection, no vehicles related to the construction activity shall be parked on the paved portion of the Town roadways.

(5) For all deliveries from large or over-sized vehicles, the contractor is required to provide a flag person to direct traffic around the vehicle. Large vehicles are defined as commercial or heavy trucks such as furniture delivery trucks, concrete trucks, cabinet delivery trucks, building material(s) delivery trucks, and the like. In addition, the contractor is required to coordinate any such deliveries with the town police department.

(6) All State of Florida on-street parking provisions shall be followed as set forth in F.S. § 316.1945(1)(b)(1)-(4), i.e., no vehicles shall:

- a. Block a driveway or mail box (except at the subject construction site).
- b. Park within fifteen (15) feet of a fire hydrant.
- c. Park within twenty (20) feet of a crosswalk.
- d. Park within thirty (30) feet of a stop sign.

(b) All service vehicles or vehicles of service personnel who are actually conducting business within the Ttown shall be parked on the driveway(s) of the property at which the service is being performed. In the event such vehicles and equipment cannot physically be parked in such driveway due to their size, then such vehicle or equipment may be parked on the paved area of a public street provided that such vehicle or equipment is parked on the same side of the street directly in front of the property upon which the business is being conducted; does not obstruct traffic or otherwise create a safety hazard; and does not otherwise violate subsection (a)(6) of this Ssection. For purposes of this Ssection, "service vehicles" or "vehicles of service personnel" shall include, but not be limited to, trucks, cargo vans, trailers and similar vehicles and equipment utilized by lawn maintenance workers, utility or appliance repair workers, or other such individuals performing work or services at a residence within the Ttown.

(c) Enforcement. Violations of this Section shall be enforced in the following manner:

- 1) The Town shall provide a verbal or written warning for a first violation of this Section at a specific construction site; and

2) In the event of a second or subsequent violations at a specific construction site, the Town, in its sole discretion, may enforce this Section as follows:

a) for a second violation at a specific construction site, the Town Administrator, or his/her designee, may issue a stop work order at the construction site and no construction or related activities shall take place at the site for a period of 24 hours from issuance of the stop work order. For a third and subsequent violations at a specific construction site, a stop work order may be issued and no construction or related activities shall take place at the site for a period of 72 hours from issuance of the stop work order. A party may appeal the issuance of a stop work order to the Town Commission, provided, if upheld, the stop work order will be effective following the day of a Town commission determination; or

b) in the alternative, and in the discretion of the Town, the Town may proceed with Code enforcement proceedings in accordance with Chapter 2, Article VII of the Town Code and Chapter 162 Fla. Stat. Such proceedings shall be instituted against the owners of the subject property. Given the narrow nature of the streets within the Town and that the blockage of a street often will prevent or impair the provision of fire, police and emergency services resulting in a serious threat to the health, safety and welfare of the community, such violations shall be considered irreparable and irreversible in nature in accordance with Section 162.09, Fla. Stat.; or

c) in the alternative, and in the discretion of the Town, the Town may proceed to issue citation(s) in accordance with Chapter 2, Article VIII of the Town Code. Any such citation(s) shall be issued to the contractor who holds the building permit for the subject construction. The penalty for each violation of this Section shall be in the amount of \$500.00. The Town may withhold issuance of a Certificate of Occupancy or Certificate of Completion until such time as all outstanding citations are paid in full.

SECTION 2. Specific authority is hereby granted to codify and incorporate this Ordinance into the existing Code of Ordinances of the Town of Jupiter Inlet Colony, Florida.

SECTION 3. That all Ordinances or parts or Ordinances, in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 4. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon its passage and adoption.

FIRST READING this 14 day of June, 2021.

SECOND READING and FINAL PASSAGE this 12 day of July, 2021.

TOWN OF JUPITER INLET COLONY, FLORIDA

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Mayor-Daniel J. Comerford, III

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Vice-Mayor Milton J. Block

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Commissioner Lisa H. Hines

ATTEST:

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Commissioner Cynthia Keim

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Town Clerk Jude M. Goudreau

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Commissioner Richard D. Busto