

**AN ORDINANCE AMENDING THE TOWN OF HOLLYWOOD PARK
CODE OF ORDINANCE SECTION 70-77 PROHIBITING PARKING
BETWEEN THE HOURS OF 2:00 AM AND 5:00 AM**

WHEREAS, the Town of Hollywood Park, has an Ordinance prohibiting the parking of cars, trucks, commercial vehicles, truck trailers, trailers, boats, recreational vehicles, campers, mobile homes and other vehicles on public streets and public easements or public right-of-ways adjacent to residentially zoned property between the hours of 2:00 AM and 5:00 AM; and

WHEREAS, the Town finds it is necessary to have the prohibition in areas adjacent to residentially zoned property between such hours, but wishes to make necessary adjustments for better enforcement;

WHEREAS, the Town wishes to provide for additional reasonable and equitable enforcement;

WHEREAS, the Town finds it necessary to adjust the ordinance for the reasonable and foreseeable circumstances encountered by property owners in the application of this prohibition while still fulfilling the goals of the prohibition and preventing abuse of any permitting process by an application trying to circumvent the goals of the prohibition;

BE IT ORDAINED AS FOLLOWS:

The Town of Hollywood Park Town Council hereby amends the Town of Hollywood Park Code of Ordinances Section 70-77 prohibiting parking between the hours of 2:00 AM and 5:00 AM as follows:

Sec. 70-77. Prohibited parking between the hours of 2:00 a.m. and 5:00 a.m.

(a) *Prohibitions.* Except as otherwise provided in this section, the parking of cars, trucks, commercial vehicles, truck tractors, all trailers, boats, recreational vehicles (RVs), including travel trailers, campers, motor homes or other vehicles upon a public street, public easement or public right-of-way adjacent to a residentially zoned property between the hours of 2:00 a.m. to 5:00 a.m. is prohibited. This provision shall not apply to a temporarily disabled vehicle; provided that the temporarily disabled vehicle is protected by an approved emergency safety signal device.

(b) *Special Parking Permit:*

- 1) Any person owning or occupying a premises and who believes that he/she does not have adequate space for the parking of his/her vehicle(s) may file a written application to the police chief or his designee for a special parking permit to park a vehicle on a public street, public easement or public right-of-way adjacent to the owner's/occupant's residentially zoned property. The written application shall detail the reasons for the applicant's request for the special parking permit. In determining the issuance of the permit, the police chief or his designee shall be guided by, the following criteria: The residential premises does not have adequate space for the parking of the vehicle of the

owner/occupant or the immediate family members of the owner/occupant of the residential premises.

- 2) Special parking permits may only be issued for non-commercial vehicles, personal cars, trucks, or motorcycles. No special parking permit shall be issued for any commercial vehicles, truck tractors, trailers, boats, recreational vehicles (RVs), campers or mobile homes.
- 3) A special parking permit is effective for twelve months.
- 4) A special parking permit is non-transferable to another person.
- 5) The police chief may not issue more than two (2) special parking permits to any given owner/occupant within a twelve month period.

(c) *Appeal of a denial of a special parking permit.* The applicant seeking a special parking permit may appeal a denial of the special parking permit by the police chief or his designee to the city council.

(d) *Temporary conditional parking permit.*

(1) Any person owning or occupying residential premises may obtain a temporary, conditional parking permit for the area adjacent to such residential premises, for their visitors, guests or other persons temporarily staying upon such premises by making a written application to the police chief, or his designee, prior to the time such automobiles or other vehicles are parked on the street. The police chief, or his designee, is authorized to issue a temporary conditional parking permit to park on a street in a residential area and to maintain a log of the issued temporary parking permits. The police chief, or his designee, shall assess an application fee of ten (\$10) dollars for the application. The written application shall detail the reasons for the applicant's request for the parking permit and must identify the owner of the vehicle which will be parked at the owner's/occupant's property, the dates the vehicle will be parked, and the year, make, and model of the vehicle. In determining the issuance of the permit, the police chief, or his designee, shall be guided by considering the following criteria: The residential property does not have adequate space for the parking of the vehicle without the permit, the dates the vehicle will be parked at the property and whether the time period will interfere with any other conditions on the roadway at that time, and other conditions and events in the area including construction and roadwork on the streets.

(2) The issuance of the temporary parking permits described in subsection (d)(1) of this section shall be limited as follows:

- a. No temporary conditional parking permit may exceed 30 days;
- b. No more than three such permits may be issued to an owner/occupant for any premises during any calendar year by the police chief, or his designee, (3) To be effective, any issued permit must be prominently displayed on the front windshield of the automobile when parked on the residential area street between the hours of 2:00 a.m. and 5:00 a.m.

(4) Temporary conditional parking permits may only be issued for non-commercial vehicles, personal cars, trucks, or motorcycles. No temporary permit shall be issued for any commercial vehicles, truck tractors, trailers, boats, or recreational vehicles (RVs), campers or mobile homes.

(e) *One Time Retroactive Permit.*

(1) A person may apply to the police chief, or his designee, for one retroactive permit. The police chief, or his designee, shall assess an application fee of ten (\$10) dollars for the one time retroactive permit application.

(2) A retroactive permit applies to a single day prior to the date of the permit.

(3) A retroactive permit grants permission to have one qualified vehicle parked upon a public street, public easement or public right-of-way adjacent to a residentially zoned property between the hours of 2:00 a.m. to 5:00 a.m. for that single day.

(4) No more than one retroactive permit may be issued to any person. Upon expiration on a retroactive permit, the permit holder becomes ineligible to apply for or receive any additional retroactive permits.

(5) The police chief, or his designee, shall keep a log of all retroactive permits issued.

(6) A retroactive permit permits may only be issued for non-commercial vehicles, personal cars, trucks, or motorcycles. No retroactive parking permit shall be issued for any commercial vehicles, truck tractors, trailers, boats, recreational vehicles (RVs), campers or mobile homes.

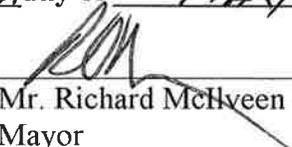
(f) *Other Applicable Laws:* No permit issued under this section shall relieve the permit holder of any obligations or relieve them of compliance with all other federal, state, or local laws.

(g) *Penalty.*

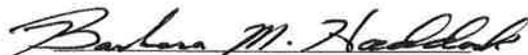
(1) Any person violating any of the provisions or terms of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished according to the general penalties described in section 1-15. Each and every violation or day such violation shall continue or exist shall be deemed a separate offense.

(2) *Defense:* It is a defense to prosecution of a violation of this section that a person has received and can present a valid one time retroactive permit applicable for the date of the violation.

PASSED AND APPROVED, this, the 20th day of MAY, 2008.


Mr. Richard McHveen
Mayor
Town of Hollywood Park

ATTEST:


Barbara M. Haddock
City Secretary
Town of Hollywood Park

APPROVED AS TO FORM:

Ryan S. Henry
City Attorney
Town of Hollywood Park