

PROPOSED ORDINANCE NO. 2024-26

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA AMENDING TITLE VII, ENTITLED "TRAFFIC CODE," OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 70.99, ENTITLED "PENALTY," TO PROVIDE FOR INCREASED FINES AND APPLICABLE SURCHARGES FOR MUNICIPAL PARKING VIOLATIONS; AMENDING TITLE IX, ENTITLED "GENERAL REGULATIONS," OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 93.99 ENTITLED "PENALTY" TO PROVIDE FOR INCREASED FINES AND APPLICABLE SURCHARGES FOR OBSTRUCTING A DESIGNATED FIRE ZONE, FIRE LANE, OR FIRE HYDRANT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 1930, adopted on August 7, 2019, amended §70.99, of the City code, to provide for a \$25.00 fine for municipal parking violations without specified fines; and

WHEREAS, Ordinance 815, adopted on December 17, 1986, created §93.33, to provide for a \$30.00 fine, plus applicable surcharges, for obstructing a designated fire zone, fire lane, or fire hydrant; and

WHEREAS, the City desires to increase the fines for municipal parking violations to the amount of **Fifty (\$50.00) dollars** for each violation; and

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WHEREAS, the City desires to increase the fines for obstructing a designated fire zone or fire lane, or parking within 15 feet of a fire hydrant to the amount of **Fifty (\$50.00) dollars** for each violation; and

WHEREAS, City staff has reviewed these fines and finds them to be commensurate with surrounding municipalities; and

WHEREAS, City staff asserts that an increase in the amount of the fines for municipal parking violations, unless otherwise, specified, to be commensurate with surrounding municipalities will benefit the health, safety, and welfare of the residents by deterring traffic and parking violations under the City code; and

WHEREAS, the City Commission of the City of Pembroke Pines finds it is in the best interest of the health, safety and welfare of the residents of the City of Pembroke Pines to adopt an ordinance to increase the general fines for municipal parking violations, and obstruction of a fire lane, fire zone, or fire hydrant to the amount of **Fifty (\$50.00) dollars** for each offense, and to provide for all applicable surcharges as provided by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

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Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. Chapter 70 of the City's Code of Ordinances entitled "General Provisions," by amending §70.99 entitled "Penalty," as follows:

§ 70.99 PENALTY.

- (A) Unless otherwise provided herein, every person who violates or fails to comply with any provision of this title shall be fined not in excess of \$500 for each offense.
- (B) Any person who shall fail to pay the costs reflected in a notice issued pursuant to § 70.22 and who shall fail to file an action for declaratory judgment pursuant to § 70.22 within ten days from the date of such notice shall be guilty of a misdemeanor and punished upon conviction by a fine of \$500, which fine shall be in addition to any monies due pursuant to the terms hereof. Any person who shall file an action for declaratory judgment pursuant to § 70.21 and who shall receive a judgment to such person's disfavor or who shall dismiss such action without conclusion and who shall then fail to pay such fine within ten calendar days shall be guilty of a misdemeanor and punished, upon conviction, by a fine of \$500, which fine shall be in addition to any monies due pursuant to the terms hereof.
- (C) Unless otherwise provided, specified by the City code, all citations, fines, or tickets issued for traffic or parking related offenses under this Title the City code shall be in the amount of \$25.00 fifty (\$50.00) dollars for each offence. All surcharges, court costs, fees, or other amounts assessed, charged, or otherwise collected by the Clerk of Courts or applicable law, are in addition to the fines set by the City.

Section 3. Chapter 93 of the City's Code of Ordinances entitled "Fire Prevention," by amending Section 93.99 entitled "Penalty," as follows:

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§ 93.99 PENALTY.

- (A) The violation of § 93.01 shall be punished by a fine of not more than \$500, or by imprisonment for not more than 90 days, or both. Each day any violation continues shall constitute a separate offense.
- (B) Any person who shall violate the provisions of §§ 93.10 through 93.13, and 93.15 shall, upon conviction thereof, be punished by a fine of not more than \$100, or by imprisonment in jail for not more than ten days, in the discretion of the appropriate court.
- (C) Any person who shall violate the provisions of § 93.14 shall, upon conviction thereof, be punished by a fine of ~~\$30~~, fifty (\$50.00) dollars, plus a \$3 surcharge to be used for firefighter training programs pursuant to and as authorized by F.S. § 316.008(5)-, and all surcharges, court costs, fees, or other amounts assessed, charged, or otherwise collected by the Clerk of Courts or applicable law.

Section 4. It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

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Section 5. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

Section 7. This Ordinance shall become effective upon passage and adoption.

(REMAINDER INTENTIONALLY LEFT BLANK)

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF
_____, 2025.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE
PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF
_____, 2025.

CITY OF PEMBROKE PINES, FLORIDA

By: _____
MAYOR ANGELO CASTILLO

ATTEST:

DEBRA ROGERS, CITY CLERK

CASTILLO _____

GOOD _____

APPROVED AS TO FORM:

HERNANDEZ _____

SCHWARTZ _____

OFFICE OF THE CITY ATTORNEY

RODRIGUEZ _____

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