

PART II - CODE OF ORDINANCES
Chapter 28 - TRAFFIC AND VEHICLES
ARTICLE IV. - STOPPING, STANDING AND PARKING
DIVISION 4. PARKING ON GASPARILLA ISLAND

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Sec. 28-156. Short title.

This division shall be known as, referred to and cited as the "Gasparilla Island Parking Ordinance."

(Code 1974, § 24-56; Ord. No. 91-35, § 1, 12-18-1991)

Sec. 28-157. Findings of fact.

The Board of County Commissioners finds the following facts to be true and a sufficient basis, either individually or in combination, to justify the restrictions on parking set forth herein:

- (1) Gasparilla Island in the County is approximately six miles long, is between 850 and 3,600 feet wide, contains approximately 1,190 acres, is situated between the Gulf of Mexico and Charlotte Harbor, and is known for its unique atmosphere and unusual natural environment;
- (2) The attraction of Gasparilla's serene environment and beautiful beaches has resulted in an inordinate influx of tourists, visitors and daytime sightseers;
- (3) The influx of tourists parking within the island's residential neighborhoods and low-intensity resort areas has caused serious inconvenience, discomfort and unsafe conditions for the County's residents and taxpayers;
- (4) The primary responsibility of paying for the public services required by the influx of tourists is borne by the County's residents and taxpayers;
- (5) Safe parking upon many of the island's streets and road rights-of-way is impossible or inappropriate due to the presence of mature vegetation and extremely unstable roadway shoulders; and
- (6) Parking along the main artery road and specific side roads and streets creates a hazardous and congested condition endangering the well-being of motorists, bicyclists, and pedestrians alike.

(Code 1974, § 24-57; Ord. No. 91-35, § 2, 12-18-1991)

Sec. 28-158. Definitions.

Staff note: Add definition for Downtown Boca Grande to correspond with changes to section 28-162 of this ordinance.

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:

Downtown Boca Grande means the area on Gasparilla Island within Lee County as shown on Exhibit "A", consisting of certain properties generally bounded by 5th Street to the north and 3rd Street to the south, with frontage on Park Avenue, West Railroad Avenue, and East Railroad Avenue.

Vehicle means any motorized device in, upon or by which any person or property is, or may be, transported or drawn upon a highway including motorcycles and motor-driven cycles, as defined by State Statutes. The term "vehicle" does not include mopeds.

(Code 1974, § 24-58; Ord. No. 91-35, § 3, 12-18-1991)

Sec. 28-159. Parallel and angle parking regulations.

(a) *Parallel parking.*

- (1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of the roadway;
- (2) Every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left wheels within 12 inches of the left-hand curb or edge of the roadway.

(b) *Angle parking.* Angle parking may be permitted on streets and/or roadways within the County portion of Gasparilla Island, provided that a proper and documented traffic engineering study is performed, either by the Department of Transportation and Engineering or by a private consultant, and approved by the Department of Transportation and Engineering pursuant to the applicable Administrative Code.

(Code 1974, § 24-59; Ord. No. 91-35, § 4, 12-18-1991; Ord. No. 19-05, § 4, 4-16-2019)

Sec. 28-160. Applicability.

- (a) The provisions of this division shall apply to the geographical area of Gasparilla Island in the County. Where not provided for or prohibited by this division, the provisions found within the County Parking Control Ordinance shall also apply on Gasparilla Island.
- (b) The provisions of this division apply only to the parking of vehicles. It is not the intent of this division to restrict access by the general public to the public beaches. Bicycles and mopeds are excluded from the purview of this division.

(Code 1974, § 24-60; Ord. No. 91-35, § 5, 12-18-1991)

Sec. 28-161. Specific parking prohibitions.

Staff note: Add parking prohibitions on 5th Street West on the south side, between Gilchrist Avenue and Park Avenue, and on the Gilchrist Avenue median between 5th Street and 3rd Street except between 8:00 a.m. and 1:00 p.m. on Sunday.

Except as provided in Section 28-163, the parking of vehicles in or upon the following street and road rights-of-way (denoted on Exhibit A, attached to the ordinance from which this division is derived and set forth in Section 28-167) within the boundaries of Gasparilla Island is hereby prohibited:

- (1) Gasparilla Road (also known as County Road and Highway 771) from the Charlotte County/Lee County line south to and including 5th Street.
- (2) All of Gulf Boulevard from 1st Street south to the intersection of Gulf Boulevard and Belcher Road.
- (3) Harbor Drive from 1st Street north to 4th Street; except for Lots 7, 8, 9, 10 and 11 Harbor Drive Waterways Subdivision on the west side of Harbor Drive. Lot B, Harbor Drive Waterways Subdivision, on the east side of Harbor Drive; and Lots 11, 12, and 13, platted Block 24, Addition to Boca Grande Plat, on the east side of Harbor Drive.
- (4) Belcher Road on the south side, east of the State Park entrance.
- (5) 5th Street West on the south side, between Gilchrist Avenue and Park Avenue.

(6) Gilchrist Avenue median between 5th Street and 3rd Street except between 8:00 a.m. and 1:00 p.m. on Sunday.

(Code 1974, § 24-61; Ord. No. 91-35, § 6, 12-18-1991; Ord. No. 19-05, § 6, 4-16-2019)

Sec. 28-162. Areas for public parking.

Staff note: Acknowledge areas for public parking in Downtown Boca Grande with a two hour time limitation, subject to enforcement and penalties.

The following designated parking areas shall continue to provide the opportunity for public beach parking on Gasparilla Island:

- (1) The 5th Street West Beach Access parking area ~~Those parking areas~~ located at the western end of 5th Street, between Gilchrist Avenue and the Gulf of Mexico.
- (2) That parking area located at what is known as Hal Scott Park and the U.S. Coast Guard Range Light Park.
- (3) That parking area owned by the public located between lots 31 and 32 of Golden Beach Unit 1.
- (4) Those parking areas located at the southern end of the island and known as Light House Park (also known as Lee County Park).
- (5) Such other areas as may be designated by the Board of County Commissioners and/or the State for public purposes from time to time.
- (6) Buses and recreational vehicles may only park during dawn to dusk and are prohibited from overnight parking at the following location: East Railroad Avenue between 5th Street and 7th Street. Buses and recreational vehicles are prohibited from parking anywhere else within the boundaries of Gasparilla Island.
- (7) On-street parking within the rights-of-way of Downtown Boca Grande with a maximum duration of two (2) hours, subject to enforcement and penalties in accordance with Sections 28-164 and 28-166.

(Code 1974, § 24-62; Ord. No. 91-35, § 7, 12-18-1991; Ord. No. 19-05, § 7, 4-16-2019; Ord. No. 21-05, § 1, 5-18-2021)

Sec. 28-163. Exceptions.

Staff note: Update names of County departments.

This division shall not apply to:

- (1) County vehicles parked for purposes of conducting County business, including, but not limited to, the County Departments of Transportation, ~~and Engineering Services, County Department of Community Services and Division of Parks and Recreation, and County Department of Community Development.~~
- (2) County Sheriff's vehicles, fire and other emergency vehicles, including ambulances, for purposes of responding to an emergency or fire.
- (3) State Highway Patrol vehicles, U.S. Coast Guard, State Department of Natural Resources, State Marine Patrol and other law enforcement vehicles when conducting law enforcement business and when such vehicles are clearly identified as law enforcement agency vehicles.
- (4) Private vehicles when conducting animal rescue, and vehicles of scientific teams conducting research for only the period necessary to accomplish their task and only with prior approval of the County-assigned Boca Grande Deputy.
- (5) Individual private vehicles as approved by the County Administrator or the administrator's designee, after consultation with the Boca Grande Fire Control District Chief, for reasons of health, disability, or unique hardship.

- (6) Individual private vehicles as approved by the County-assigned Boca Grande Deputy to allow parking for special events of limited duration.
- (7) The temporary parking of moving vans, delivery trucks, garbage pick-up vehicles and other service-related vehicles.

(Code 1974, § 24-63; Ord. No. 91-35, § 8, 12-18-1991)

Sec. 28-164. Enforcement.

Staff note: Add language to reinforce penalties can be by fine or by removal of the vehicle by means of towing and impoundment. Add locations for placement of signs.

The responsibility for enforcement of the provisions of this division shall lie with the County Sheriff's Department. Any violation will be punishable by either a fine or by removal of vehicle by means of towing and impoundment.

Signs shall be installed in the following places:

- (1) At the Charlotte County/Lee County line on Gasparilla Island;
- (2) At the intersection of Gulf Boulevard and 1st Street;
- (3) At the intersection of Harbor Drive and 1st Street; ~~and~~
- (4) At lots 7, 8 and 9 on the west side of Harbor Drive; and at lots 11, 12, 13, A and B on the east side of Harbor Drive; ~~;~~
- (5) At the intersections of 5th Street West at Gilchrist Avenue and Park Avenue; and
- (6) At locations within the Gilchrist Avenue median and in Downtown Boca Grande deemed necessary by the Director of Lee County Department of Transportation in coordination with the County Sheriff's Department to properly enforce the parking limitations set forth in Sections 28-161 and 28-162.

(Code 1974, § 24-64; Ord. No. 91-35, § 9, 12-18-1991; Ord. No. 19-05, § 9, 4-16-2019)

Sec. 28-165. Liability.

The vehicle registrant is responsible and liable for payment of any parking ticket, fine, civil penalty or impoundment fee or enforcement procedure hereunder unless the vehicle registrant furnishes evidence that the vehicle was at the time of violation in the care, custody or control of another person. In such instances, the vehicle registrant is required, within 48 hours after notification of the violation, to furnish to the County Sheriff's Department's duly assigned deputies at Boca Grande, the name and address of the person who had care, custody or control of the vehicle. The vehicle registrant is not responsible for any violation if the vehicle involved was, at the time, stolen or in the care, custody or control of some person who did not have permission of the vehicle registrant to use the vehicle.

(Code 1974, § 24-65; Ord. No. 91-35, § 10, 12-18-1991)

Sec. 28-166. Penalties.

Staff note: Increase fine amounts for violations of this ordinance.

Any violation of Sections 28-161 or ~~28-162~~ shall be punishable by either a fine of ~~\$150.00~~ ~~35.00~~ or punishable by removal of vehicle by means of towing and impoundment.

Any person who fails to satisfy the provisions contained in the County summons for violations of parking contained in the County Parking Control Ordinance and elects to appear before a designated official of the County

Traffic Court to present evidence shall be deemed to have waived ~~their~~ ^{his} right to the civil penalty provisions of the ticket. The official, after a hearing shall make a determination as to whether a parking violation has been committed and may impose a fine not to exceed \$300.00 ~~200.00~~ plus court costs.

Owners whose vehicles have been towed and impounded ~~shall~~ ^{are} required to pay for such associated costs. (Code 1974, § 24-66; Ord. No. 91-35, § 11, 12-18-1991; Ord. No. 19-05, § 11, 4-16-2019)

Sec. 28-167. Vehicle parking legend.

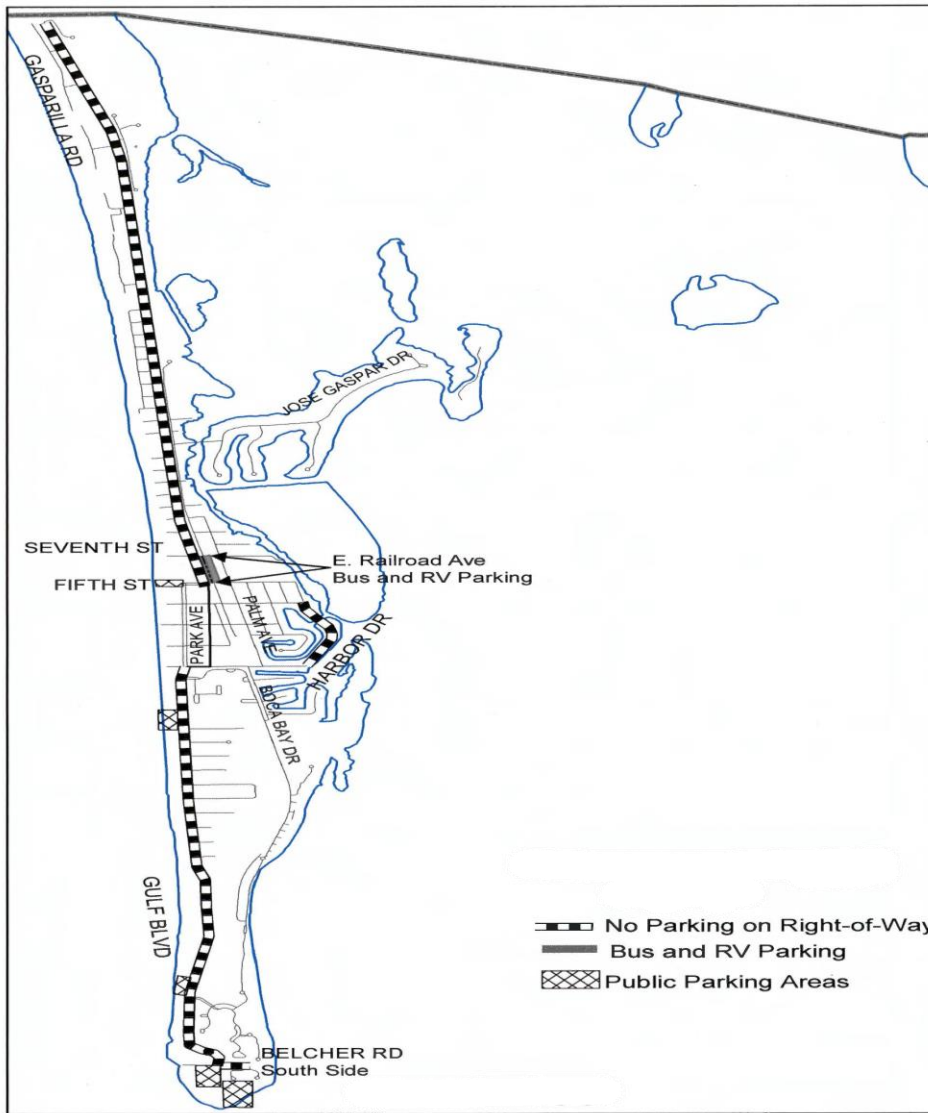


Exhibit A

Boca Grande Parking Legend

(Code 1974, Ch. 24, exh. A; Ord. No. 91-35, exh. A, 12-18-1991; Ord. No. 19-05, exh. A, 4-16-2019)

Secs. 28-168—28-185. Reserved.

Staff Note: Exhibit will need to be updated to reflect additional areas where parking is prohibited and/or limited.