

ORDINANCE NO. 06-01

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA,
AMENDING CHAPTER 30, SECTIONS 30-1 AND 30-102 OF THE BELLE
ISLE CODE OF ORDINANCES TO PROVIDE FOR RESTRICTIONS ON
COMMERCIAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS;
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.**

BE IT ORDAINED, by the City Council of the City of Belle Isle, Florida as follows:

SECTION 1. Section 30-1 of the Belle Isle Code of Ordinances, definitions for "Commercial truck" and "Commercial vehicle" is hereby amended as follows:

Commercial truck ~~means a motor vehicle in excess of one ton carrying capacity as rated by the manufacturer.~~

Commercial vehicle ~~means any construction equipment, bus, semitrailer, trailer, and commercial truck.~~ any vehicle designed, equipped or used for trade meeting any of the following criteria:

- a. Total signage in or on the vehicle exceeding 4 square feet in area; signage that shall be included in any measurement of the maximum area allowed shall include bumper stickers, magnetic signs, painted signs and flags. Signage that is affixed to the vehicle by the manufacturer or automotive dealer and which identifies the make, model, or dealer of the automobile shall not be included in the measurement.
- b. Equipped with external modifications designed to be used in trade including, but not limited to, externally-mounted tools, machinery, equipment, tool or equipment racks, and modifications used for purpose of lifting objects or persons above the height of the vehicles.
- c. Flatbed trucks and dump trucks.
- d. Equipped to tow or transport other vehicles for hire.
- e. Having a length greater than 21 feet.
- f. Having a height greater than 10 feet.
- g. A vehicle that is marked as and used for the purpose of transporting of passengers for hire such as taxicabs, shuttle vans, and limousines.

SECTION 2. Section 30-102 is hereby amended as follows:

- (a) Except as provided in subsection (c) of this section, no person or other entity shall park or store or permit the parking and storing of any commercial vehicle or construction equipment upon any public property located in the city, including but not limited to public streets, roads, highways, boat ramp areas, swales, rights-of-way, sidewalks, parks, playgrounds, green space areas, drainage/retention areas and other utility area, and planting areas between sidewalks and curbs. Under this section, the term "public" includes, but is not limited to, the state, county, city, homeowners' associations, condominium associations and the community.

(b) Except as provided in subsection (c) of this section, no person or other entity shall park or store, or permit the parking or storing of any commercial vehicle or construction equipment on private property in a residential district other than in an enclosed building.

(c) ~~The parking or storing of commercial vehicles and/or construction equipment shall be limited to use of such vehicles or equipment in the performance of a service to the adjacent property or properties of vehicle or equipment if parked/stored on for the period of time necessary to complete such service.~~ Sections (a) and (b) above shall not apply to any owner, operator or person in charge of such commercial motor vehicle or construction equipment when making deliveries or performing labor or services during such time as such labor or services are being performed; nor shall they apply to a public utility (including electric power, gas, water, sewer, telephone and cable television) repair vehicle, that is kept by an employee of such utility for emergency purposes.

(d) No tractor-trailer, construction vehicle, or other commercial vehicle parked within 100 feet of the residential property shall have its engine, motor, generator, or other externally audible equipment running between the hours of 10:00 p.m. and 6:00 a.m. except when the vehicle is being moved into or out of the parking area.

SECTION 2. SEVERABILITY. If any word, phrase, sentence, clause or other portion of this Ordinance is determined to be invalid, void, or unconstitutional, the remainder of this Ordinance shall remain in effect.

SECTION 3. This ordinance shall become effective immediately upon its passage and adoption.

FIRST READING:	held this 6 th day of December, 2005.
ADVERTISED:	the 22 nd day of December, 2005.
SECOND READING:	held this 3 rd day of January, 2006.

	YES	NO	ABSENT
David L. Jacquot	_____	_____	_____
Trudy Prince	_____	_____	_____
Charles Scott	_____	_____	_____
Larry Ady	_____	_____	_____
Bill Ravenel	_____	_____	_____
Sarah G. Goodwin	_____	_____	_____
Eric Spaulding	_____	_____	_____

ATTEST:

William G. Brooks, Mayor

Belinda Bateman, MMC, City Clerk

Approved as to form and legality
John F. Bennett, City Attorney

**COUNTY OF ORANGE
STATE OF FLORIDA**

I, Belinda L. Bateman, City Clerk of the City of Belle Isle, Florida, do hereby affirm that the above and foregoing ordinance was duly and legally passed by the Belle Isle City Council at its regular meeting on the 3rd day of January, 2006, at which meeting a quorum of its members were present.

Belinda L. Bateman, MMC
City Clerk