

ORDINANCE #ORD2016-08

AN ORDINANCE OF THE CITY OF DUNNELLO, FLORIDA, UPDATING PROCEDURES FOR ISSUANCE OF CIVIL MUNICIPAL CODE VIOLATION TICKETS FOR BOATING; ADOPTING REQUIREMENTS FOR CONTENTS OF MUNICIPAL CODE VIOLATION TICKETS FOR VIOLATIONS OF THIS CHAPTER; ESTABLISHING PROCEDURES TO REFER VIOLATIONS TO THE COUNTY COURT SYSTEM; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Dunnellon believes that it is in the best interest of the City to update its code regarding the content of boating tickets and procedures for issuance; and

WHEREAS, the City Council of the City of Dunnellon believes that it is in the best interest of the City to refer collection of boating ticket fines, boating ticket appeals, and disposition of unpaid ticket fines to the County Court for the Fifth Judicial Circuit.

LEGISLATIVE UNDERSCORING: Underlined words constitute additions to the City of Dunnellon City Code, ~~strikethrough~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dunnellon, Florida, as follows:

SECTION 1. The above recitals (Whereas clauses) are hereby adopted as legislative findings, purpose and intent of the City Council.

SECTION 2. Chapter 66, Article II, Division 2 of the City of Dunnellon Code of Ordinances is hereby amended as follows:

Sec. 78-53. - Penalties—Fine schedule for civil municipal code violations.

- (a) Violations of the provisions of this chapter, or failure to comply with any of the requirements as stated, shall constitute a civil municipal code violation.
- (b) Any person who violates this chapter or fails to comply with any of its provisions shall be issued a civil municipal code violation ticket.
- (c) Contents of Civil Municipal Code Violation ticket. The ticket shall specifically describe the following:

- (1) Describe the vessel;
- (2) Indicate its location;
- (3) Specify the nature of the violation;
- (4) Indicate the amount of the fine;
- (5) Give notice to the violator that he or she must pay the fine within thirty days or appeal the ticket; and
- (6) Describe the procedures to be followed in either paying such fine or electing not to pay such fine and requesting a hearing before a county court official concerning the violation, and the penalty for failure to comply with the directions on the ticket.

A sequential numbering system shall be used.

- (d) *Computation of time.* If the last day of any time period described in this section falls on a Saturday, Sunday or legal holiday, the time period shall run until the end of the next day which is neither a Saturday, a Sunday nor a legal holiday.
- ~~(e) The civil municipal code violation shall be paid by mail or in person at City Hall within 15 days of the~~
- ~~(d) If the cited individual wishes to appeal the violation then he/she must pay the violation within 15 days of the date of the issuance of the violation and also, request in writing and send to city hall, a request for a hearing in front of the city special magistrate within 15 days of the date of the issuance of the violation.~~
- ~~(e) (e) All civil municipal code fines under chapter 78 of this Code, will be \$50.00 per violation. Any future changes with regard to fees will be made by resolution.~~
- ~~(f) A guilty finding by the special magistrate will result in additional costs plus fine. A not guilty finding by the special magistrate will result in a refund of the applicable fine.~~
- ~~(g) Failure to pay the assessed fine and costs if applicable, within the time allotted for payment by the special magistrate will cause the city to utilize collection services.~~

Sec. 78-54. - Payment of Fine, Appeals

- (a) Violations of this division shall be referred to the County Court for the County of the Fifth Judicial Circuit.
- (b) An individual receiving a ticket pursuant to this section shall have thirty days from the date of issuance to pay the fine per the instructions on the ticket or request an appeal per Section 78-54(c) of this Ordinance.
- (c) *Appeal of Civil Municipal Code Fine Ticket.*
 - (1) Any individual who receives a civil ticket issued pursuant to the requirements of this Chapter may voluntarily elect to appeal the ticket and request a hearing within thirty

days from issuance of the ticket, by requesting an appeal with the County Court for the County of the Fifth Judicial Circuit per the instructions on the ticket.

(2) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the fine cited on the ticket. The official, after a hearing, shall make a determination as to whether a violation has been committed and may impose a civil penalty or the fine amount designated on the ticket, plus court costs.

(d) Failure to pay fine. If the fine is not paid within thirty days from issuance, and no appeal is filed, then the appearance before the county court of persons who fail to comply with the provisions of this division will be compelled by the issuance of a summons by the deputy clerk of the court for the County of the Fifth Judicial Circuit. A warrant shall be issued by the court for the arrest of any person who fails to appear in response to such summons.

SECTION 3. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Dunnellon; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

SECTION 5. Repeal of Inconsistent Ordinances. Any Ordinance in conflict with this Ordinance is hereby repealed.

SECTION 6. Effective Date. This Ordinance shall be effective immediately upon adoption at the second public hearing.

Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the 13th day of June, 2016.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the 11th day of July, 2016.

Ordinance Posted on the City's website on June 10, 2016. Public hearing advertised on the City's website on June 24, 2016 and in the Riverland News on June 30, 2016.

ATTEST:
Dawn M. Bowne

CITY OF DUNNELLON

Dawn M. Bowne, M.M.C.
City Clerk

Nathan Whitt, Mayor

Approved as to Form and Legal Sufficiency:

Andrew J. Hand, City Attorney

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 10th day of June, 2016.

Dawn M. Bowne M.M.C.
City Clerk