

**ORDINANCE #ORD2016-07**

**AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, UPDATING PROCEDURES FOR ISSUANCE OF PARKING TICKETS; ADOPTING REQUIREMENTS FOR CONTENTS OF PARKING TICKETS; 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 parking 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 parking ticket fines, parking 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. 66-61. - Notice of violation.~~**

~~The chief of police of the city shall provide, in triplicate, suitable serially numbered forms for notifying violators to appear and answer to charges of violating this article and other traffic laws and regulations of the city. Such forms shall be issued to and receipted for by the chief of police or his duly authorized representative or other persons acting for him. Upon any violation of this article, any police officer shall attach to the windshield of a parked vehicle a notice in accordance with this section, stating that the owner is in violation of this article, the particular violation and the section number and that the owner shall report to the traffic violations bureau of the city in regard to such violation. Each such owner or operator may, within 72 hours of the time when such notice was attached to such vehicle, pay to the traffic violations~~

~~bureau, as a penalty for and in full satisfaction of such violation, the sum as set forth in section 66-62. The failure of such owner or operator to make such payment to the traffic violations bureau within 72 hours shall render such owner or operator subject to prosecution before the courts of this state.~~

**Sec. 66-61. Enforcement; Violations.**

- (a) Issuance of parking tickets. The police department of the city, acting through certified law enforcement officers, or parking enforcement specialists, shall issue municipal parking tickets, on ticket forms authorized by city council or their designee, to the operator if the motor vehicle is attended, and if the motor vehicle is unattended, attach such ticket, issued to the registered owner, to the vehicle in a conspicuous place.
- (b) Contents of parking ticket. The ticket shall specifically describe the following:
- (1) Describe the illegally parked motor vehicle;
  - (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 parking violation, and the penalty for failure to comply with the directions on the ticket.

A sequential numbering system shall be used.

- (c) Continuing violations. Each day any violation occurs or continues shall be a separate offense.
- (d) Liability for payment of fine. The registered owner is responsible and liable for payment of any parking ticket violations.
- (e) 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.

**Sec. 66-62. - Schedule of fines.**

The following fines apply for the violations listed:

- (1) Overtime parking. The fine for parking overtime shall be \$50.00.
- (2) Parking in fire zone. The fine for parking in an area designated as a fire zone shall be \$200.00.

- (3) Parking in a no parking zone. The fine for parking in a no parking zone shall be \$50.00.
- (4) Improper parking. The fine for improper parking shall be \$50.00.
- (5) Other violations. The fine for any other violation of this article or provisions of the Florida Statutes pertaining to parking shall be \$50.00.
- (6) Leaving vehicle with keys in ignition. The fine for leaving a parked vehicle while the keys remain in the ignition shall be \$35.00.
- (7) Parking in space reserved for handicapped or disabled persons.
  - a. The fine for parking in a handicapped ~~or physically disabled persons~~ zone with without a permit shall be \$250.00.
  - b. If a citation is issued to a person legally entitled to park in a designated handicapped ~~or physically disabled persons~~ zone, the fine shall be reduced to \$10.00 upon presentation of proof of a disabled parking permit at the police department.

**~~Sec. 66-63. -- Late payment of fine; failure to pay fine.~~**

- ~~(a) Any of the fines listed in section 66-62 which are not paid within 72 hours of the issuance of the citation shall be defined as late payments; however, such 72 hours shall not include Saturdays, Sundays, or legal holidays.~~
- ~~(b) The charge for late payments shall be 50 percent of the fine added to the fine, which total sum shall be due and payable to the city.~~
- ~~(c) If the fine is not paid within the allowed 72 hour period, the fine, including the late payment, will be assessed per violation, against the registered owner of the motor vehicle. The city clerk shall mail a copy of the parking citation with the amount of the fine and late payment due to the registered owner of the vehicle, informing the owner of the owner's direct responsibility for the citation and of the time, manner, and amount of payment due, keeping a record of the fact and date of such mailing subject to the provisions of F.S. § 316.1967(1).~~
- ~~(d) If the fine and late payment are not paid within ten days after the date such notice is mailed, the city clerk shall institute proceedings against the registered owner for a noncriminal traffic infraction in the county court, as provided by F.S. § 316.1967.~~
- ~~(e) The city clerk, pursuant to F.S. § 316.1967(6), shall supply monthly to the office of the county tax collector and license tag agents an alphabetical list of persons who have five or more outstanding parking violations. The provisions of F.S. § 320.03(8) shall apply to each person whose name appears on such list.~~

**Sec. 66-63. - 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 66-63(c) of this Ordinance.
- (c) Appeal of parking ticket.
  - (1) Any individual who receives a parking ticket issued pursuant to the requirements of this Chapter may voluntarily elect to appeal the parking 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 parking 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 parking 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.

**~~Sec. 66-64. - Payment of fine without court appearance; records of violations.~~**

~~Any person in violation of this article who desires to pay the fine and late payment charge, if any, without resort to the courts of this state shall pay such fine to the city at city hall. Upon payment of any fine or late charge, the city shall accept the fine and issue a receipt to the violator. The city shall also keep an easily accessible record of all violations of which each person has been guilty during the preceding 12 months, whether such guilt was established in court or such violator has voluntarily paid the fine or late charge. The city shall keep records and submit summarized monthly reports to the city council of all citations issued for violations of this article and other traffic laws of the city and the state within the municipal limits of the city. The city shall also keep a record of all the fines collected by the city and of the final disposition of each person in every case handled by the city. Such records shall be maintained so as to show all types of violations and the totals of each.~~

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**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:

**CITY OF DUNNELLON**

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

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Nathan Whitt, Mayor

Approved as to Form and Legal Sufficiency:

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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 10<sup>th</sup> day of June, 2016.**

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