

**ORDINANCE NO. 070328**  
**0-07-61**

**An ordinance of the City of Gainesville, Florida, amending Section 26-46 of the City of Gainesville Code of Ordinances, subsection (d), relating to motor vehicle owner’s liability for illegal parking and fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

**WHEREAS**, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:**

**Section 1.** Subsection (d) of Section 26-46, Owner’s Liability for Illegal Parking, is amended to read as follows.

Sec. 26-46. Owner's liability for illegal parking.

(d) When any law enforcement officer, police service technician, or traffic enforcement technician finds a vehicle parked in violation of any of the parking regulations specified in this section, {the following actions shall occur}:

(1) *Notice of violation.* The officer shall issue a notice of violation to the vehicle and shall place the notice in a conspicuous place on the vehicle. The notification form shall contain language informing the registered owner of the vehicle which

1 section of this chapter has been violated, the procedures available to the registered  
2 owner under this section, and the administrative fee which the registered owner  
3 may pay to avoid citation for a noncriminal traffic infraction for the violation.

4 (2) *Affidavit of explanation/first delinquency notice.*

5 a. Any person who fails to respond to the original parking violation  
6 notice within the time period specified shall be deemed to have waived the  
7 right to contest the merits of such parking violation.

8 b. The city manager or designee may waive the specified administrative  
9 fee, after receipt of an affidavit of explanation, received or postmarked  
10 within ~~72 hours~~ seven (7) calendar days of the writing of the original  
11 citation, under the following circumstances:

- 12 1. Malfunctioning meter.
- 13 2. Valid and verifiable emergencies.
- 14 3. Government employees on official business, verified by a  
15 supervisor.
- 16 4. City volunteers actually detained because of their volunteer  
17 duties, as verified by the volunteer coordinator.
- 18 5. Error in the issuance of the citation.

19 c. If the administrative fee, as provided for in this section, is not paid  
20 within ~~72 hours~~ seven (7) calendar days of the date {of} the citation being  
21 issued or within 96 hours of the date of denial of an affidavit of  
22 explanation, whichever is later, the city manager or designee shall mail a  
23 copy of the notice of violation to the registered owner of the vehicle

1           demanding payment of the administrative fee, plus an additional  
2           delinquency fee of ~~\$5.00~~. The registered owner is directed to pay the  
3           administrative fee and the delinquency fee within ~~ten~~ 14 calendar days.

4           (3) *Second delinquency.* If the specified administrative fee and delinquency fee  
5           are not paid within ~~ten~~ 14 calendar days after the date of the citation being issued,  
6           a second delinquency fee of ~~\$5.00~~ is added to the fees described in subsection  
7           (d)(2). If the total administrative and delinquent fees are not paid within ~~20~~ 30  
8           calendar days of the citation being issued, the entire administrative fee and  
9           delinquent fees owed, including any and all collection costs, will be referred for  
10          collection to an agency designated by the city manager.

11          (4) *Amount of fee.* The administrative and delinquent fees provided for  
12          violations of any of the parking regulations specified in this section shall be in  
13          accordance with the schedule set out in ~~a~~Appendix A.

14   **Section 2.** It is the intention of the City Commission that the provisions of Section 1  
15   shall become and be made a part of the Code of Ordinances of the City of Gainesville,  
16   Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or  
17   relettered in order to accomplish such intentions.

18   **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be  
19   invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
20   in no way affect the validity of the remaining portions of this ordinance.

21   **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
22   such conflict hereby repealed.

1 **Section 5** . This ordinance shall take effect immediately upon adoption; provided  
2 however, the fees and charges as provided for herein shall be applicable to fees and  
3 charges which are due after 12:01 A.M., October 1, 2007.

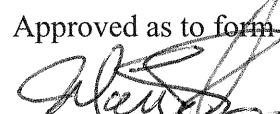
4 **PASSED AND ADOPTED** this 24<sup>th</sup> day of September, 2007.

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PEGEEN HANRAHAN  
MAYOR

ATTEST:

  
KURT M. LANNON  
CLERK OF THE COMMISSION

Approved as to form and legality  
  
MARION L. RADSON  
CITY ATTORNEY SEP 25 2007

This Ordinance passed on first reading this 10<sup>th</sup> day of September, 2007.

This Ordinance passed on second reading this 24<sup>th</sup> day of September, 2007.