

D R A F T

8-13-07

ORDINANCE NO. _____
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 (1) *Notice of violation.* The officer shall issue a notice of violation to the vehicle
2 and shall place the notice in a conspicuous place on the vehicle. The notification
3 form shall contain language informing the registered owner of the vehicle which
4 section of this chapter has been violated, the procedures available to the registered
5 owner under this section, and the administrative fee which the registered owner
6 may pay to avoid citation for a noncriminal traffic infraction for the violation.

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

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

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

15 1. Malfunctioning meter.

16 2. Valid and verifiable emergencies.

17 3. Government employees on official business, verified by a
18 supervisor.

19 4. City volunteers actually detained because of their volunteer
20 duties, as verified by the volunteer coordinator.

21 5. Error in the issuance of the citation.

22 c. If the administrative fee, as provided for in this section, is not paid
23 within ~~72 hours~~ seven (7) calendar days of the date [of] the citation being

1 issued or within 96 hours of the date of denial of an affidavit of
2 explanation, whichever is later, the city manager or designee shall mail a
3 copy of the notice of violation to the registered owner of the vehicle
4 demanding payment of the administrative fee, plus an additional
5 delinquency fee ~~of \$5.00~~. The registered owner is directed to pay the
6 administrative fee and the delinquency fee within ~~ten~~ 14 calendar days.

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

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

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

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

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

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

6 **PASSED AND ADOPTED** this ____ day of _____, 2007.

7 _____
8 PEGEEN HANRAHAN
9 MAYOR

10 ATTEST:

11 _____ Approved as to form and legality
12 _____
13 KURT M. LANNON MARION J. RADSON
14 CLERK OF THE COMMISSION CITY ATTORNEY

15
16 This Ordinance passed on first reading this ____ day of _____, 2007.

17 This Ordinance passed on second reading this ____ day of _____, 2007.

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