

Ordinance No. 100832

An Ordinance of the City of Gainesville, Florida, amending section 26-46 relating to illegal parking; adding a new subsection providing for administrative reduction of the parking violations fee for failure to properly display the permit or decal when parking a motor vehicle in parking spaces designated for permitted city or county employees or officers; providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate 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.

Section 1. A new paragraph c. is added to Section 26-46(d)(2) of the Code of Ordinances of the City of Gainesville, Florida, to read as follows:

Sec. 26.46. Owner's liability for illegal parking.

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

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

1 c. A person who has received a parking violation notice for parking a
2 motor vehicle in a parking space designated by signs limiting
3 parking to permitted city or county employees or officers, pursuant
4 to sec. 26-47(a)(3)b., the proper use of which requires a specific
5 permit or decal, may provide an affidavit of explanation, within the
6 time frame specified in sec. 26-46(d)(2)b., above, with proof that
7 the required permit or decal was issued to such motor vehicle or its
8 owner or operator and that such permit or decal was valid at the
9 time of the violation. The affidavit shall be accompanied by the
10 nonrefundable administrative fee of \$10.00. If the affidavit of
11 explanation is not deemed sufficient, the administrative and
12 delinquent fee shall be as provided in sec. 26-46(d)(3).

13 **Section 2.** It is the intention that Section 1 of this Ordinance shall become and be
14 made a part of the Code of Ordinances, of the City of Gainesville, Florida, and that the
15 sections and paragraphs of this ordinance may be renumbered or re-lettered in order to
16 accomplish such intentions.

17 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this
18 ordinance or the application hereof to any person or circumstance is held invalid or
19 unconstitutional, such finding shall not affect the other provisions or applications of the
20 ordinance which can be given effect without the valid or unconstitutional provisions or
21 application, and to this end the provisions of this ordinance are declared severable.

3/17/11

3 **Section 5.** This ordinance shall become effective immediately on adoption.

5 **PASSED AND ADOPTED** this ____ day of _____, 2011.

13 ATTEST

APPROVED AS TO FORM AND LEGALITY

20 This Ordinance passed on first reading this ____ day of _____, 2011.
21 This Ordinance passed on second reading this ____ day of _____, 2011.