

ORDINANCE 2005 - 79

AN ORDINANCE AMENDING ORDINANCE 2001-22, OTHERWISE KNOWN AS THE "DISABLED PARKING SPACE" ORDINANCE; SPECIFICALLY ADDING A NEW SECTION 3. STANDING, STOPPING AND PARKING PROHIBITIONS; ADDING A NEW SECTION 4. VIOLATIONS FOR PARKING IN A DESIGNATED PARKING SPACE FOR PERSONS WITH DISABILITIES; ADDING A NEW SECTION 5. PARKING IN FIRE LANES; RENUMBERING SECTION 3. FINE; AND RENUMBERING AND AMENDING SECTION 4. UTILIZATION OF FINES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Nassau County Sheriff's Office is implementing a new Parking Enforcement Specialist Program; and

WHEREAS, by using trained volunteers for this program, the Nassau County Sheriff's Office will be able to concentrate law enforcement efforts on an area of law enforcement that has, in the past, been previously neglected, namely enforcing the Nassau County Parking Ordinances; and

WHEREAS, in order to strengthen this Volunteer Parking Enforcement Specialist's role, the Nassau County Sheriff's Office conducted a review of the present Ordinance 2001-22, known as the "Disabled Parking Space Regulation"; and

WHEREAS, based on this review, the Nassau County Sheriff's Office is recommending amendments to the present Ordinance to reflect a more comprehensive definition of standing, stopping and parking prohibitions, violations for parking in a parking space reserved for persons with disabilities, and parking in fire lanes; and

WHEREAS, the Nassau County Sheriff's Office is also requesting that one third (1/3) of the fines collected under this Ordinance, be utilized to defray expenses for the Nassau County Sheriff's Office operational costs for the Parking Enforcement Specialist Program; and

WHEREAS The Nassau County Sheriff's Office requested to include language that will allow the Parking Enforcement Specialist to enforce this newly amended "Disabled Parking Space Regulation Ordinance".

NOW, THEREFORE, BE IT ORDAINED this 12th day of December, 2005 by the Board of County Commissioners of Nassau County, Florida, as follows:

1. Title: This Ordinance shall be known as the "Disabled Parking Space Regulation Ordinance".
2. Purpose: The purpose is to impose the maximum fine allowable by law to deter the utilization of disabled parking spaces by those unauthorized by Florida law.
3. Standing, Stopping and Parking prohibitions.
 - 1) It is unlawful for any person to stand, stop, or park a vehicle within, or to obstruct any such specially designated and marked parking space provided in accordance with Florida Statutes Section 553.5041, unless the vehicle displays a disabled parking permit issued under Florida Statutes

Section 316.1958 or Florida Statute: Section 320.0848
or a license plate issued under Florida Statutes
Sections 320.084, 320.0842, 320.0843 or 320.0845 and the
vehicle is transporting the person for whom the
displayed permit is issued. The violation may not be
dismissed for failure of the markings on the parking
space to comply with Florida Statute Section 553.5041,
if the space is in general compliance and is clearly
distinguishable as a designated accessible parking space
for people who have disabilities. Only a warning may be
issued for unlawfully parking in a space designated for
persons with disabilities, if there is no above-grade
sign as provided in Florida Statute Section 553.5041.

a) Whenever a law enforcement officer, parking
enforcement specialist, or the owner or lessee of the
space finds a vehicle in violation of this section,
then an officer, owner, or lessor shall have the
vehicle in violation removed to any lawful parking
space or facility or require the operator or other
person in charge of the vehicle immediately to remove
the unauthorized vehicle from the parking space.
Whenever any vehicle is removed under this section to
a storage lot, garage, or other safe parking space,

the cost of the removal and parking, constitutes and lien against the vehicle.

b)The officer or specialist shall charge the operator or other person in charge of the vehicle in violation, with a non-criminal traffic infraction, punishable as provided in Florida Statutes: Sections 316.008(4) or 318.18(7).

c)A law enforcement officer or a parking specialist has the right to demand to be shown the person's disabled parking permit and driver's license or state identification card when investigating the possibility of a violation of this section. If such a request is refused, the person in charge of the vehicle may be charged with resisting an officer without violence as provided in Florida Statutes: Section 843.02.

2) It is unlawful for any person to obstruct the path of travel to an accessible parking space, curb cut, or access aisle by standing or parking a vehicle within any such designated area. The violator is subject to the same penalties as are imposed for illegally parking in a space that is designated as an accessible parking space for persons who have disabilities.

3) Any person who is chauffeuring a person who has a disability is allowed, without need for a disabled

parking permit or a special license plate, to stand temporarily in any such parking space, for the purpose of loading or unloading the person who has a disability. A penalty may not be imposed upon the driver for such temporary standing.

4) Violations for Parking in a Designated Parking Space for Persons with Disabilities:

When evidence is presented in a court of the fact that any motor vehicle was parked in a parking space for persons who have disabilities in violation of Nassau County Ordinance, Article II Section 18-32 and Florida Statute Section 316.1955, it is prima facie evidence that the vehicle was parked and left in the space by a person, firm or corporation in whose name the vehicle is registered and licensed according to the records of the Division of Motor Vehicles.

5) Parking in Fire Lanes

No person shall park a vehicle in a fire lane except for police, emergency, rescue and /or a fire fighting vehicle or piece of equipment during an emergency response or while conducting official business.

3.6 Fine: The civil penalty for a non-criminal pursuant to

Florida Statutes, Section 318.14, shall be Two Hundred Fifty Dollars (\$250.00) for illegally parking under Florida Statutes, Section 316.1955, in a parking space provided for people who have disabilities. The provisions of Florida Statutes, Section 318.18(6), shall be applicable.

4.7. Utilization of Fines:

a. One-third (1/3) of the total fine shall be utilized to defray expenses for administration.

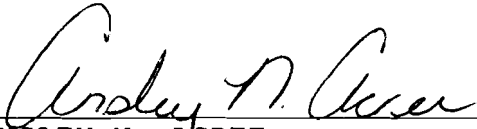
b. One-third (1/3) of the total fine shall be utilized to defray expenses for the Nassau County Sheriff's Office operational costs for the Parking Enforcement Specialist Program.

~~b.c. Two One-thirds (2 1/3)~~ of the total fine shall be utilized to provide funds to improve accessibility and equal opportunity to qualified persons who have disabilities in the County and to provide funds to conduct public awareness programs in the County concerning persons who have disabilities.

5.8. Enforcement: ~~It shall be the responsibility of t~~The Nassau County Sheriff's Department or designated Parking Enforcement Specialist ~~to~~ shall enforce the provisions of this Ordinance.

6.9. Effective Date: This Ordinance shall become effective
as provided by law.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



ANSLEY N. AGREE
Its: Chairman

ATTEST:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN