

ORDINANCE 04-11

AN ORDINANCE AMENDING THE TOWN OF FORT MYERS BEACH PARKING OF VEHICLES AND ORDINANCE VIOLATION ORDINANCE; PROVIDING AUTHORITY; AMENDING SECTION 14. ISSUANCE OF TICKETS; PENALTY FOR VIOLATIONS; AND ESTABLISHING AN EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

SECTION 1. Authority. This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. SECTION 14. ISSUANCE OF TICKETS; PENALTY FOR VIOLATIONS., of Fort Myers Beach PARKING OF VEHICLES AND ORDINANCE VIOLATION ORDINANCE is amended to read as follows:

SECTION 14. ISSUANCE OF TICKETS; PENALTY FOR VIOLATIONS.

(a) A law enforcement officer or ordinance enforcement specialist who discovers a vehicle parked in violation of any of the provisions of this section shall:

(1) Issue a ticket, as used by the town, to the driver; or

(2) If the vehicle is unattended, attach such ticket to the vehicle in a conspicuous place.

(b) Any person violating, permitting, suffering, allowing or assisting anyone to violate any of the provisions of this ordinance shall be subject to the following fines:

(1) Twenty five ~~Thirty two~~ dollars (~~\$32.00~~) (\$25.00) for each notice of violation at metered or unmetered parking spaces if paid within seventy-two (72) hours of the violation; a fine of forty dollars (\$40.00) per notice of violation at metered or unmetered parking spaces if paid after seventy-two (72) hours but within ten (10) days; or a fine of sixty dollars (\$60.00) if paid after ten (10) days;

(2) Fifty dollars (\$50.00) for each notice of violation in fire lanes, loading zones, yellow curb, facing wrong way, etc., if paid within seventy-two (72) hours of the violation; a fine of sixty dollars (\$60.00) per violation if paid after seventy-two (72) hours but within ten (10) days; or a fine of seventy-five dollars (\$75.00) if paid after ten (10) days;

(3) Two hundred dollars (\$200.00) for each notice of violation at parking spaces designated handicapped if paid within seventy-two hours (72) of the violation; a fine of two hundred twenty-five dollars (\$225.00) if paid after seventy-two (72) hours of the violation but within ten

(10) days; or a fine of two hundred fifty dollars (\$250.00) after a summons has been issued. If a person receives a notice of violation at a parking space designed handicapped who subsequently provides information that substantiates the fact that the vehicle was properly parked but the operator failed to properly display required handicap decal or decals; the fine shall be reduced to ten dollars (\$10.00).

(4) If there continues to be an ignoring of the various notices, additional fines or imprisonment may be fixed by the court according to the law or laws applicable.

(c) A law enforcement officer or ordinance enforcement specialist who observes a violation of any ordinance listed in Section 18 of this ordinance shall issue a ticket, as used by the town, to the violator and person violating, permitting, suffering, allowing or assisting anyone to violate any of such ordinance shall be subject to a fine of thirty two dollars (\$32.00) for each notice of violation issued.

(d) Any person who elects to appear before the hearing examiner to present evidence shall be deemed to have waived his right to pay the civil penalty provisions of the ticket. The hearing examiner, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed one hundred dollars (\$100.00), plus costs. Any person who fails to pay the civil penalty within the time allowed by the hearing examiner, shall be deemed to have been convicted of a parking ticket violation, and the hearing examiner shall take appropriate measures to enforce collection of the fine.

SECTION 3. Effective Date. This Ordinance shall become upon adoption.

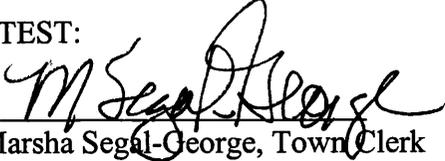
The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Bill Van Duzer and seconded by Council Member Garr Reynolds and, upon being put to a vote, the result was as follows:

|                        |            |
|------------------------|------------|
| Howard Rynearson       | <u>Aye</u> |
| Don Massucco           | <u>Aye</u> |
| Bill Thomas            | <u>Aye</u> |
| W. H. "Bill" Van Duzer | <u>Aye</u> |
| Garr Reynolds          | <u>Aye</u> |

DULY PASSED AND ENACTED this 21st day of June, 2004.

ATTEST:

By:

  
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By:

  
Bill Thomas, Mayor

Approved as to form by:



Richard V.S. Roosa, Town Attorney