

ORDINANCE NO. 621

**AN ORDINANCE AMENDING ORDINANCE NO. 619,
DEFINING VIOLATION AND PENALTY REPEALING
ORDINANCES AND/OR PARTS OF ORDINANCES IN
CONFLICT WITH THIS ORDINANCE AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, the City Council has determined that it is in the best interests of the people of the City of Mexico Beach that this ordinance be enacted, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH, FLORIDA:

Section 7. Violations:

(1) Any person cited for a violation of this article shall be deemed to be charged with a non-criminal violation and shall be assessed a civil penalty according to the following schedule:

(a) Fifteen dollars (\$15.00) for a violation of any provision of this article. Fines and late payment penalty for violations of this article are to be distributed as follows:

(1) Each day any violation occurs or continues shall be a separate offense.

(2) The amount of any penalty specified in this section shall be increased by an additional \$7.50 if payment is not received by the city within ten (10) business days of the date of issue and prior to notice being mailed to the registered owner.

(3) The amount of any penalty specified in this section shall be an additional \$15.00 if payment is not received by the city within twenty (20) business days.

(4) The amount of the penalty shall be increased to \$50.00 if payment is not received by the city within thirty (30) business days.

(5) After the thirty-five (35) business days the fine remains unpaid; the total amount may be referred to a collection agency.

(6) Boat ramp usage suspended until

citations are paid or violations are disposed of by legal means.

Section 8- Issuance of city boat ramp citations

(1) When any Parking Enforcement Officer finds a vehicle in violation of the provisions of this article or signs erected pursuant to the provisions of this article, he or she shall issue a parking citation to the person or vehicle by placing said citation in a conspicuous place on the vehicle. Such parking citation form shall contain language providing notice of the following:

- (a) The type of violation and amount of penalty imposed by this article.
- (b) The penalty for failure to comply with directions contained on the citation.

(2) The Parking Enforcement Officer shall determine the registered owner of the vehicle for which a citation was issued and shall complete the citation form. The original copy of the citation form shall be forwarded to the city when completed for processing.

Section 09: Payment of civil penalties and proceedings to enforce payment violations.

(1) Any person issued a City boat launch citation, pursuant to this article, shall answer the citation by either of the following procedures within ten (10) days, excluding Saturdays, Sunday and legal holidays, after the date of issuance of the citation:

(a) Payment of the penalty indicated on the citation may be remitted to the city, pursuant to the directions on such citation; or

(b) Upon receipt of a complete boat ramp citation submitted by a Parking Enforcement Officer, pursuant to this article, the city may notify the registered owner first listed on such citation of its issuance if there has been no response to the citation pursuant to subsection 1 (a) of this section. Such notice shall be sent by certified return receipt mail and shall inform said registered owner concerning the nature and location of the parking violation and shall require payment of the fine.

Section 10: Owner's liability for boat ramp violations

(1) The owner of a vehicle is responsible and liable, for payment of any boat ramp ticket violation unless the owner can furnish evidence and a sworn statement that the vehicle was, at the time of the boat ramp violation, in the care, custody or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the boat ramp violation, to furnish to the appropriate law enforcement authorities the name and address of the person or company who leased, rented or otherwise had the care, custody or control of the vehicle. The owner of a vehicle is not responsible for boat ramp ticket violations if the vehicle was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.

Section 11: Disposition of fines and forfeitures for boat ramp violations

Except as otherwise provided in this section, all monies received by the City Clerk as a result of parking citation issued by the municipality shall be paid to the municipality as provided by Florida State Statute. All monies received shall be placed into the General Fund (75%) and the Law Enforcement Education (L.E.E.) fund (25%).

Section 12: Appeal

(a) If a driver or registered owner is cited for a violation of this article, he cited person shall have a right to contest such citation, within ten (10) business days of issuance. The cited person must present the citation with a written request form for a hearing to the city clerk, such form must be completed in person or a notarized copy may be forwarded to the city. The postmark of the envelope will be used for the ten (10) day requirement. The cited person must appear before the City Special Master at a time and place so designated by the Special Master.

(b) A driver or registered owner reserves the right to appeal any decision made by the Special Master to the 14th Judicial Circuit Courts. Any appeal made to the courts will be completed by the driver or registered owner.

(c) All late fees and dates shall be suspended until ten (10) business days after the appeal process is complete.

Section 13: Incorporation Conflict and Severability

(a) It is the intent of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances of the City of Mexico Beach, Florida, and that sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.

(b) All ordinances and parts of ordinances in conflict herewith are repealed.

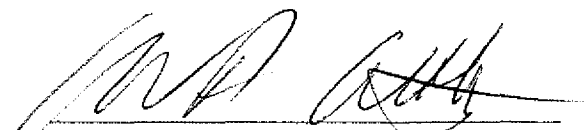
(c) This ordinance shall be severable and should a court or other judicial body with proper jurisdiction declare any section or provision of this ordinance unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 14: Effective Date

This ordinance shall take effect as provided by law.

INTRODUCED at the Regular Meeting of the City Council on the 14th day of April, 2015. Adopted at the Regular Meeting of the City Council on the 12th day of May, 2015.

CITY OF MEXICO BEACH, FLORIDA



William A. Cathey, Mayor

ATTEST:



Adrian Welle, City Clerk