

ORDINANCE 2024- 05

AN ORDINANCE OF FRANKLIN COUNTY, FLORIDA, PROHIBITING THE PARKING OF MOTOR VEHICLES, CAMPERS, WATER VESSELS AND TRAILERS ON THE PUBLIC STREETS AND PUBLIC PROPERTY DESIGNATED AS NO PARKING AREAS IN UNINCORPORATED FRANKLIN COUNTY, PROVIDING FOR TOWING AT THE OWNER'S EXPENSE, PROVIDING FOR IMMOBILIZATION DEVICES AND ASSOCIATED EXPENSES; PROVIDING FOR ADDITIONAL NON-CRIMINAL AND CRIMINAL PENALTIES, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Franklin County, a political subdivision of the State of Florida, has determined that it is in the best interests of the public's health, safety and welfare to provide for regulation of parking of motor vehicles, campers, water vessels and trailers in unincorporated Franklin County, Florida; and,

WHEREAS, Franklin County hereby determines that the enactment of this ordinance is a proper and reasonable exercise of its police powers; and,

WHEREAS, Franklin County hereby determines that the penalties imposed by this ordinance are reasonable and are rationally related to the purpose of regulating parking in unincorporated Franklin County;

NOW THEREFORE BE IT ORDAINED THAT:

Section 1. No Parking Areas Authorized: The parking or leaving unattended of any motor vehicle, camper, water vessel or trailer on the public streets and public property of Franklin County, Florida, in areas designated by signage as a "No Parking" area is hereby prohibited.

Any motor vehicle, camper, water vessel or trailer that is parked or otherwise left unattended on a public street or public property of Franklin County, Florida, in areas designated by signage as a "No Parking" area is a violation of this ordinance.

Section 2. Signage Authorized: Franklin County is authorized to post such signs that will adequately notify the public of the parking restrictions established by this ordinance; provided that the placement, adequacy, or number of such signs shall not affect the validity of this ordinance or any prohibition hereunder or of any action by the Sheriff or prosecution for any violation hereof. Franklin County hereby authorizes the County Coordinator to post the signage authorized by this

ordinance after consultation with and approval by the Franklin County Board of County Commissioners or as determined by the County Commission.

Section 3. Penalties: Violation of this section shall include the removal and towing of such motor vehicle, camper, water vessel or trailer at the owner's expense, and the same may be recovered by the owner only upon the payment of all reasonable towing charges and storage charges authorized by law. In addition to the towing and removal provisions of this section, any person who violates this section for the first time shall also be guilty of a non-criminal violation as defined by F.S. § 775.08 and shall pay a fine of one hundred and eight dollars (\$108.00). Any person who violates this section a second time, or who violated the provisions hereof in such a manner that the violation causes or contributes to any injury to any person or property, shall be guilty of a second-degree misdemeanor, all of which shall be enforced in accordance with the laws of the State of Florida with respect to the investigation, prosecution and adjudication of criminal traffic offenses and shall pay a fine of one hundred and eight dollars (\$108.00). The penalty provisions of this section are cumulative.

Section 4. Immobilization Devices Authorized: The use of vehicle immobilization devices approved by the Board of County Commissioners from time to time is authorized, together with reasonable refundable deposits required from the public when the immobilization device is deployed by the Franklin County Sheriff's Department. Subsequent to the adoption of this ordinance, Franklin County may authorize immobilization devices and reasonable refundable deposits by action of the Board at any public meeting of the Board.

Section 5. Enforcement: The ordinance codified in this section may be enforced by any duly sworn law enforcement officer, including the Franklin County Sheriff.

Section 6. Definitions:

"Camper" means an accessory to a motor vehicle used for camping, including, but not limited to, a recreational vehicle, travel trailer, popup camper or camper shell.

"Motor vehicle" shall include any self-propelled, wheeled device that does not move upon rails, but which moves in, upon or by which any person(s) or property is or may be transported upon a street or other public right-of-way, except devices moved by human power.

"No Parking Area" shall mean those areas of the public streets and other public property, in Franklin County, Florida, at which are placed signs informing the public that it shall not park in those locations.

"Park" or "Parking" means the stoppage of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in unloading passengers or property.

"Trailer" means a separate vehicle not driven or propelled by its own power, but drawn by some independent power, including, but not limited to, boat trailers, tractor trailers and fifth-wheels.

"Unattended" means not being watched or looked after.

"Water vessel" means a ship, boat or other similar vessel used or capable of being used in navigation on water, whether motorized or human-powered.

Section 7. Savings Clause: If any section, subsection, paragraph, sentence, clause or phrase of this section is held to be unconstitutional, void or invalid by a final judgment of a court of competent jurisdiction, it shall be stricken, and the remaining provisions of this section shall survive and shall remain in full force and effect.

Section 8. Repeal: Any ordinance in conflict the terms of this section is hereby repealed to the extent of such conflict.

Section 9. Effective Date: This ordinance shall take effect as provided by law.

Adopted this the 2nd day of July, 2024.

FRANKLIN COUNTY, a political
subdivision of the State of Florida.

By: Ricky D. Jones
Ricky D. Jones, Its Chairman

Attest:

By: Michele Maxwell
Michele Maxwell, Clerk of Courts



Approved as to form and content:

By: Thomas M. Shuler
Thomas M. Shuler, County Attorney

