

ORDINANCE NO. 05-44

AN ORDINANCE PROHIBITING THE OBSTRUCTION OF PUBLIC OR PRIVATE VEHICLE OR PEDESTRIAN ACCESSWAYS; PROHIBITING THE PARKING OR LEAVING OF PRIVATE MOTOR VEHICLES, TRAILERS OR FIFTH-WHEELS ON PUBLIC PROPERTY WITHOUT AUTHORIZATION; PROVIDING FOR TOWING AT OWNER'S EXPENSE ON AUTHORIZATION BY THE COUNTY SHERIFF OR COUNTY DIRECTOR OF ADMINISTRATIVE SERVICES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREFORE, the Board of County Commissioners has determined, after due consideration of the information and testimony furnished by various persons, that the imposition of restrictions on the obstruction of public or private vehicle or pedestrian accessways and the prohibiting of parking or leaving of private vehicles on public property without authorization, is a proper and reasonable exercise of the police power of the County; and that it is further appropriate that the Sheriff of Franklin County and County Director of Administrative Services be empowered to authorize the removal and towing of such vehicles at the owner's expense;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Franklin County, Florida, that:

1. No person shall, and it shall be unlawful to, park or leave unattended any motor vehicle, trailer or fifth-wheel in any public area or on any public property in such a way as to impede or obstruct access to public or private ways, entrances or exits for vehicles or pedestrian traffic.

2. No person shall, and it shall be unlawful to, park or leave unattended any motor vehicle, trailer or fifth-wheel on any other public property, except for duly-authorized use of designated parking areas and except for persons floundering, crabbing or mullet fishing.

i. "Duly-authorized use" shall mean the parking of motor vehicles, trailers or fifth-wheels in designated parking areas for the purpose of access to a particular public or private business during the time of sunset and sunrise each day.

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

iii. "Motor Vehicle" shall include any device in, upon or by which any person or property is or may be transported upon a street, except devices moved by human power or operated on rails or tracks.

Both the Sheriff of Franklin County and the County Administrator are hereby authorized to direct the towing and removal of any motor vehicle, trailer or fifth-wheel found parked or left unattended in violation of this ordinance, and the owner thereof shall be entitled to recover such vehicle only upon payment of all reasonable towing and storage charges. Either the Sheriff or the County Director of Administrative Services may exercise the authority conferred by this ordinance.

3. The County Director of Administrative Services is directed to post signs that will adequately notify the public of the parking restrictions established by this ordinance; PROVIDED, that the placement, adequacy or number of the signs shall not affect the validity of this ordinance or of any prohibition hereunder, or of any action by the Sheriff, or of prosecution for any violation hereof.

4. PENALTY: Any person who violates the provisions hereof shall be guilty of a non-criminal violation as defined in Fla. St. section 775.08, to be enforced in accordance with the provisions of applicable Florida law with respect to the investigation, prosecution and adjudication of non-criminal traffic offenses. Any person who violates the provisions hereof for a second time, or which violates the provisions hereof which violation causes or contributes to any injury to any person, shall be guilty of a misdemeanor of the second degree as defined by applicable Florida law, to be enforced in accordance with the provisions of applicable Florida law with respect to the investigation, prosecution and adjudication of criminal traffic offenses.

5. SEVERABILITY: If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is held, for any reason, to be unconstitutional, void, or invalid, the validity of the remaining portion of the ordinance shall not be affected thereby.

6. EFFECTIVE DATE: This ordinance shall take effect as provided by law.

7. Rules of Construction:

i. Words used in the present tense shall include the future and words in the singular number shall include the plural and plural the singular, unless the context clearly indicates the contrary.

ii. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the

conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:

- A. "And" indicates that all connected terms, conditions, provisions or events shall apply.
- B. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- C. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

iii. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.


Dated: June 7, 2005

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, FLORIDA

By:

ATTES

Marcia Johnson
Marcia Johnson



HON. CHERYL SANDERS
CHAIRMAN