

CITY OF SANIBEL

ORDINANCE NO. 08-010

AN ORDINANCE AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, CHAPTER 1, - *GENERAL PROVISIONS*, ADDING NEW SUBSECTION 1.18 ENTITLED "IMPOSITION OF FILING FEE APPLICABLE TO ALL CITATIONS FOR VIOLATION OF MUNICIPAL ORDINANCE"; AMENDING CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 1, GENERALLY, SECTION 66.37 - *PENALTY; PAYMENT OF FINE; REFERRAL TO COUNTY COURT*; AMENDING DIVISION 2, BEACH AREA PARKING RESTRICTIONS, SUBDIVISION II, PERMITS, SECTION 66-85 - *FEES; HOURS*, OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; ESTABLISHING A \$10.00 FILING FEE TO BE ADDED TO ALL MUNICIPAL ORDINANCE VIOLATION CITATIONS, SAID FILING FEE REPRESENTING THE FEE CHARGED TO THE CITY OF SANIBEL BY THE LEE COUNTY CLERK OF COURTS FOR PROCESSING MUNICIPAL ORDINANCE VIOLATION CITATIONS ISSUED WITHIN THE CITY OF SANIBEL; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Lee County Clerk of Courts has initiated a \$10.00 filing fee for processing municipal ordinance parking violation citations and notices to appear as authorized by Section 34.045, Florida Statutes; and

WHEREAS, it is necessary for the City to implement a \$10.00 filing fee charge in addition to the amount of any penalty imposed for a municipal ordinance violation in order to account for and recoup the Clerk's filing fee;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel, Florida:

SECTION 1. The Code of Ordinances of the City of Sanibel, Subpart A, General Ordinances, Chapter 1, General Provisions is hereby amended adding new Subsection 1.18 entitled "Imposition of filing fee applicable to all citations for violation of municipal ordinance", with underlining indicating additions and strikethrough indicating deletions to read as follows:

Sec. 1-18. Imposition of filing fee applicable to all citations for violation of municipal ordinance.

- (a) Filing fee imposed - There is hereby assessed and imposed a \$10.00 filing fee which shall be applicable to and assessed with each and every citation or notice to appear for a violation of any City of Sanibel ordinance. The assessment and imposition of such filing fee shall be noted on each citation or notice to appear issued to an ordinance violator either by stamp or handwritten.
- (b) Use - The filing fee imposed and assessed herein shall be used for the purpose of paying the filing fee assessed by the Lee County Clerk of Courts pursuant to Section 34.045, Florida Statutes, or its successor statute.

SECTION 2. The Code of Ordinances of the City of Sanibel, Chapter 66, Traffic, Article II, Parking, Stopping and Standing, Division, Generally, Section 66-37, Penalty; payment of fine; referral to county court, is hereby amended, with underling indicating additions and strikethrough indicating deletions to read as follows:

Sec. 66-37. Penalty; payment of fine; referral to county court.

- (a) Unless otherwise provide in this article, violation of the provisions of this article shall subject the offender to a civil penalty of \$35.00, plus a filing fee of \$10.00, provided the penalty is paid within five days after issuance of the ticket. In the event the penalty is paid after five days, the payment required shall be a civil penalty of \$50.00, plus a filing fee of \$10.00.
- (b) Upon failure to pay the civil penalty in a timely manner and in the prescribed amount, or upon a court hearing request, the ticket may be referred to county court for further action pursuant to, and in accordance with, penalties provided in F.S. §316.1967.

SECTION 3. The Code of Ordinances of the City of Sanibel, Chapter 66, Traffic, Article II, Parking, Stopping and Standing, Division 2, Beach Area Parking Restrictions, Subdivision II, Permits, Section 66-85, Fees; Hours, is hereby amended, with underlining indicating additions and strikethrough indicating deletions, to read as follows:

Sec. 66-85. Fees; hours.

- (a) The following schedule shall constitute the parking permits schedule of fees:
 - (1) Resident parking permits ("A" decals) \$10.00

- (2) Restricted parking permits (“B” decals):
 - a. Nonresident owners of city real property . . . 10.00
 - b. Full-time and Part-time City of Sanibel employees 10.00
 - Others80.00
- (3) Restricted parking permits (“C” decals)80.00
- (4) General parking permits (“pay and display” receipts):
 - a. General parking permits, per hour or any fraction2.00
 - b. General parking at Gulfside City Park permits, per hour or any fraction 2.00
 - c. General parking at Bowman’s Beach Park permits, per hour or any fraction.2.00
 - d. Resident and restricted parking permits issued shall not be pro-rated. Cost of permits will remain the same throughout.
 - e. General parking at Lighthouse Park Facility permits, per hour or any fraction. . . . 2.00
 - f. Transfer or reissue (residential and restricted only)10.00

- (b) The fees set forth in this section for general parking permits shall apply from 7:00 a.m. to 7:00 p.m., with the exception of the Lighthouse Park Facility, which fees shall apply 24 hours per day.
- (c) The fees for resident and restricted permits shall be effective for the permit year commencing December 1, 2003. The fees for general parking --Paid permits shall become operative when the city manager has established a fee collection system and has posted the applicable fee schedule at the designated parking areas.
- (d) Civil penalty . . . \$50.00
- (e) Filing Fee \$10.00

It is unlawful for any vehicle to park in unauthorized locations ~~and~~ or without the appropriate parking permit. The driver and the owner of the vehicle in violation of this section shall be subject to the penalty set forth in Subsection (d) plus the filing fee set forth in Subsection (e).

If payment is received within 15 calendar days from the date the ticket is written, a discount of \$15.00 will be granted, and the civil penalty shall be \$35.00 plus the filing fee set forth in Subsection (e).

SECTION 4. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 5. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

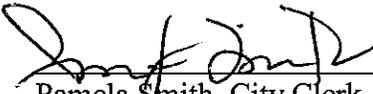
SECTION 6. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 7. Effective date. This Ordinance shall take effect immediately upon adoption.

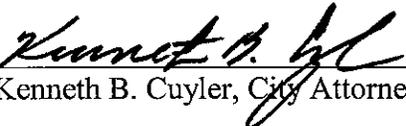
DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 3rd day of June, 2008.



Mick Denham, Mayor

AUTHENTICATION:


Pamela Smith, City Clerk

APPROVED AS TO FORM: 
Kenneth B. Cuyler, City Attorney

5/28/08
Date

First Reading: May 20, 2008
Publication Notice: May 22, 2008
Second Reading: June 3, 2008

Vote of Council Members:

Denham	<u>yea</u>
Ruane	<u>yea</u>
Jennings	<u>yea</u>
Johnston	<u>yea</u>
Pappas	<u>yea</u>

Date Filed With City Clerk: June 3, 2008