

**CITY OF SANIBEL**

**ORDINANCE NO.10-001**

**AN ORDINANCE AMENDING THE SANIBEL CODE BY ADDING A NEW SECTION 1-19 FOR THE PURPOSE OF IMPOSING A \$3.00 COURT COST FEE TO EVERY CITATION OR NOTICE TO APPEAR FOR A VIOLATION OF ANY CITY OF SANIBEL ORDINANCE OTHER THAN A VIOLATION RELATED TO PARKING; PROVIDING THAT SUCH \$3.00 COURT COST FEE IS IMPOSED PURSUANT TO THE AUTHORITY AND REQUIREMENTS OF SECTION 938.01, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, a \$3.00 court cost fee for use and deposit in the Additional Court Cost Clearing Trust Fund is authorized and required by Section 938.01, Florida Statutes; and

**WHEREAS**, it is necessary for the City to impose a \$3.00 court cost fee in addition to the amount of any penalty assessed for a municipal ordinance violation in order to collect such statutorily required court costs;

**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 1.19 entitled "Imposition of court cost pursuant to Section 938.01, Florida Statutes", with underlining indicating additions and strikethrough indicating deletions to read as follows:

**Sec. 1-19. Imposition of court cost pursuant to Section 938.01, Florida Statutes.**

- (a) Court costs imposed. There is hereby assessed and imposed a \$3.00 court cost 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 provided, however, no such fee shall be assessed for a violation relating to the parking of vehicles. The assessment and imposition of such court cost fee shall be noted on each citation or notice to appear issued to an ordinance violator either by stamp or handwritten. Such court cost fee is imposed pursuant to the authority and requirements of Section 938.01, Florida Statutes.
- (b) Use - The collection, remittance and use of the \$3.00 court cost fee imposed hereunder shall be in accordance with Section 938.01, Florida Statutes, for use and deposit in the Additional Court Cost Clearing Trust Fund.

**SECTION 2.** Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

**SECTION 3.** 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 4.** 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 5.** Effective date. This Ordinance shall take effect immediately upon adoption.

**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Florida, this 16th day of February, 2010.

AUTHENTICATION:

\_\_\_\_\_  
Mick Denham, Mayor

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Pamela Smith, City Clerk

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

\_\_\_\_\_  
Date

First Reading: February 16, 2010  
Publication Notice: \_\_\_\_\_

Second Reading: \_\_\_\_\_

**Vote of Council Members:**

Denham            \_\_\_  
Ruane             \_\_\_  
Harrity           \_\_\_  
Jennings          \_\_\_  
Pappas            \_\_\_

Date Filed With City Clerk: \_\_\_\_\_