

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, MAKING FINDINGS AS TO THE NEED FOR SPECIALLY DESIGNED AND MARKED PARKING SPACES FOR CERTAIN DISABLED PERSONS; AMENDING MANATEE COUNTY ORDINANCE 80-5, SECTION 9, CODIFIED AS SECTION 2-22-24, CODE OF LAWS OF MANATEE COUNTY, FLORIDA TO PROVIDE DEFINITIONS; TO PROVIDE SCOPE; TO REQUIRE THE DESIGNATION OF SPECIALLY DESIGNED AND MARKED PARKING SPACES FOR THE EXCLUSIVE USE OF CERTAIN DISABLED PERSONS TO BE LOCATED ON COUNTY-OWNED PROPERTY; TO AUTHORIZE THE DESIGNATION OF SPECIALLY DESIGNED AND MARKED PARKING SPACES FOR THE EXCLUSIVE USE OF CERTAIN DISABLED PERSONS BY ANY BUSINESS, FIRM OR OTHER PERSON LICENSED TO DO BUSINESS WITH THE PUBLIC; TO PROVIDE A PROHIBITION; TO PROVIDE A USE FOR FINES COLLECTED FOR VIOLATIONS OF SECTION 2-22-24, CODE OF LAWS OF MANATEE COUNTY, FLORIDA; TO PROVIDE A PENALTY; AMENDING MANATEE COUNTY ORDINANCE 80-5, SECTION 10, CODIFIED AS SECTION 2-22-2, CODE OF LAWS OF MANATEE COUNTY, FLORIDA TO PROVIDE A FINE OF ONE HUNDRED DOLLARS; AMENDING MANATEE COUNTY ORDINANCE 80-5, SECTION 8, CODIFIED AS SECTION 2-22-4, CODE OF LAWS OF MANATEE COUNTY, FLORIDA TO PROVIDE FOR THE REMOVAL AND STORAGE OF VEHICLES; TO PROVIDE A SEVERABILITY CLAUSE; TO PROVIDE FOR RESOLUTION OF CONFLICT WITH OTHER ORDINANCES; TO PROVIDE FOR EFFECT OF AMENDMENT; AND TO PROVIDE AN EFFECTIVE DATE.

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CLERK OF DISTRICT COURT

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WHEREAS, Section 316.1955, Florida Statutes, requires that governmental agencies provide specially designed and marked vehicle parking spaces for the exclusive use of certain disabled persons; and

WHEREAS, Section 316.1956, Florida Statutes, authorizes non-governmental entities to provide specially designed and marked vehicle parking spaces for the exclusive use of certain disabled persons; and

WHEREAS, Section 316.008(4), Florida Statutes, authorizes the County to enact an ordinance providing a fine for the violation of Sections 316.1955 and 316.1956, Florida Statutes, as amended (1985) in excess of the fine specified by Section 318.18(2), Florida Statutes, except that such fine may not exceed Two Hundred Fifty Dollars (\$250.00).

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that:

Section 1. Findings. The Board of County Commissioners hereby finds that the provision of specially designed and marked

1 vehicle parking spaces for the exclusive use of those severely
2 physically disabled individuals with permanent mobility problems
3 is in the common interest of the people of Manatee County.

4 Section 2. Amendment of Ordinance No. 80-5, Section 9,
5 codified as Section 2-22-24, Code of Laws of Manatee County,
6 Florida. Manatee County Ordinance No. 80-5, Section 9, codified
7 as Section 2-22-24, Code of Laws of Manatee County, Florida, is
8 hereby amended to strike Section 9 in its entirety and substitute
9 therefor the following:

10 "Section 2-22-24.1 Definitions. The following
11 words and phrases, when used in this Ordinance, shall have the
12 following meanings respectively ascribed to them, except where
13 the context otherwise requires:

14 a) Vehicles. "Vehicles" means any motorized device,
15 in, upon, or by which any person or property may be transported or
16 drawn, including automobiles, trucks, motorized bicycles, motor-
17 cycles, tractors and busses.

18 b) Parking Areas. "Parking areas" shall mean any
19 property set aside and/or designated for vehicular parking, and
20 shall include street parking.

21 c) Certain Disabled Persons. "Certain disabled
22 persons" shall mean those persons who are eligible for an exemp-
23 tion entitlement parking permit as set forth in Section 320.0848
24 and Section 316.1958, Florida Statutes, as amended (1985) and
25 display such permit on the vehicle used to transport the permit
26 holder as required by applicable general law.

27 Section 2-22-24.2. Scope. This Ordinance shall be
28 effective in the unincorporated areas of Manatee County, Florida.

29 Section 2-22-24.3. Designated Parking For Disabled
30 Persons.

31 a) Manatee County shall provide in all parking
32 areas on County owned property specially designed and marked park-
33 ing spaces for the exclusive use of certain disabled persons as

1 required by Section 316.1955, Florida Statutes. Each such
2 parking space shall conform to the requirements of §316.1955(3),
3 F.S., and shall be prominently outlined with paint and posted with
4 a permanent above-grade sign of a color and design approved by the
5 Florida Department of Transportation bearing the international
6 symbol of accessibility and the caption "PARKING BY DISABLED
7 PERMIT ONLY."

8 b) Any business, firm, or other person within
9 Manatee County licensed to do business with the public, may pro-
10 vide in any parking area owned or leased by them specially
11 designed and marked parking spaces for the exclusive use of
12 certain disabled persons who have been issued parking permits pur-
13 suant to §320.0848 or §316.1958, Florida Statutes, as amended
14 (1985). Each such parking space shall conform to the requirements
15 of §316.1955(3), Florida Statutes, as amended (1985), and shall be
16 prominently outlined with paint and posted with a permanent above-
17 grade sign of a color and design bearing the international symbol
18 of accessibility and the caption "PARKING BY DISABLED PERMIT
19 ONLY."

20 Section 2-22-24.4. Prohibition. It is unlawful for
21 any person to stop, stand, or park a vehicle within any specially
22 designed and marked parking space as provided in Section 2-22-24.3
23 of this Ordinance, unless such vehicle displays a parking permit
24 issued pursuant to Section 320.0848 or Section 316.1958 Florida
25 Statutes, as amended (1985), and such vehicle is transporting a
26 person eligible for the parking permit. However, any person who
27 is chauffeuring a disabled person shall be allowed, without need
28 for an identification parking permit, to momentarily park in any
29 such parking space, for the purpose of loading or unloading such
30 disabled person. No penalty shall be imposed upon the driver for
31 such momentary parking.

32 Section 2-22-24.5. Use of Handicapped Parking
33 Violation Fines. Fines collected for violations of this Ordinance

1 related to handicapped parking shall be deposited into a separate
2 revenue account for use in the following manner:

3 a) One-third (1/3) shall be used to defray expen-
4 ses for the administration of handicapped parking fines.

5 b) Two-thirds (2/3) shall be used to provide
6 funds to improve accessibility and equal opportunity to qualified
7 physically disabled persons in Manatee County and to provide funds
8 to conduct public awareness programs in Manatee County concerning
9 physically disabled persons. Allocation of such funds shall be
10 made as provided by the Board of County Commissioners.

11 Section 2-22-24.6. Penalty.

12 a) Any person who operates a vehicle in violation
13 of this Ordinance may be issued a county parking ticket by a
14 parking enforcement specialist or officer and shall be deemed to
15 be charged with a noncriminal violation and shall comply with the
16 directions on the ticket and be subject to the provisions of
17 Section 2-22-2 of this Ordinance.

18 b) The Clerk of the Court shall supply the Tax
19 Collector and License Tag agents within Manatee County, monthly
20 with an alphabetized list of persons who have five (5) or more
21 outstanding parking violations. The provisions of Section
22 320.03(8), Florida Statutes, as amended, (1985), shall apply to
23 each person whose name appears on such list.

24 c) Under the authority of Section 320.03(8),
25 Florida Statutes, as amended (1985), if the name of an applicant
26 for a license plate or revalidation sticker appears on the alpha-
27 betized list referred to in paragraph (b) of this subsection and
28 Section 316.1967(6), Florida Statutes, as amended (1985), the
29 license plate or revalidation sticker shall not be issued until
30 the applicant's name no longer appears on said list or until the
31 applicant presents a receipt from the Clerk showing the parking
32 fines have been paid. The Tax Collector and the Clerk of the
33 Court shall receive monthly payment as provided in Section

1 320.03(8), Florida Statutes, as amended (1985).

2 Section 3. Amendment of Ordinance No. 80-5, Section 10,
3 Codified as Section 2-22-2, Code of Laws of Manatee County, Florida.
4 Manatee County Ordinance No. 80-5, Section 10, codified as Section
5 2-22-2, Code of Laws of Manatee County, Florida, is hereby amended
6 to strike Section 10 in its entirety and substitute therefor the
7 following which pertains to the amount of the fine for illegal
8 parking in parking spaces provided for disabled persons, said
9 Section, as amended, to read as follows:

10 "Section 2-22-2. Fine; Liability for Payment.

11 a) Any person who is charged with violating any
12 Manatee County Ordinance regulating the stopping, standing or
13 parking of motor vehicles on county streets, highways, roadways
14 and parking areas of said County shall be deemed to be charged
15 with a noncriminal violation, and upon conviction or admission
16 thereof, shall be deemed to have committed a traffic infraction
17 and shall be assessed a civil penalty as follows:

18 (1) Illegal parking, stopping or standing, in spe-
19 cially designed and marked parking spaces provided by governmental
20 and/or non-governmental entities for the exclusive use of certain
21 disabled persons meeting the criteria of Section 320.0848 or
22 Section 316.1958, Florida Statutes as amended (1985)...One Hundred
23 Dollars (\$100.00).

24 (2) Illegal parking, stopping or standing in non-
25 handicapped parking locations on County streets, highways, road-
26 ways and parking areas of said County...

27 (a) Ten Dollars (\$10.00) if paid within ten
28 (10) calendar days of date of issue.

29 (b) Fifteen Dollars (\$15.00) if paid after
30 the tenth (10th) calendar day after issue and up
31 to the 20th day after issue.

32 (c) Twenty-five Dollars (\$25.00) paid after
33 the twenty-first (21st) calendar day and the

1 issuance of a Court directive assigning a court
2 appearance date.

3 (3) If the parking ticket is contested, the amount
4 of said civil penalty shall be assessed as provided by general law
5 in Section 316.1967, Florida Statutes, as amended (1985).

6 b) The owner of a vehicle is responsible and
7 liable for the payment of any parking ticket issued pursuant to
8 said Ordinances unless the owner can furnish evidence that the
9 vehicle was, at the time of the parking violation, in the care,
10 custody or control of another person. In such instances, the
11 owner of the vehicle is required, within a reasonable time after
12 notification of the parking violation, to furnish the issuing law
13 enforcement authority the name and address of the person, firm,
14 corporation or company who leased, rented or otherwise had the
15 care, custody or control of said vehicle. The owner of the ve-
16 hicle is not responsible for any parking violation if the vehicle
17 involved was, at the time, stolen or in the care, custody or
18 control of some person who did not have permission from the owner
19 for the use of said vehicle.

20 Section 4. Amendment of Ordinance No. 80-5, Section 8,
21 Codified as Section 2-22-4, Code of Laws of Manatee County, Florida.
22 Manatee County Ordinance No. 80-5, Section 8, codified as Section
23 2-22-4, Code of Laws of Manatee County, Florida, is hereby amended
24 to add a new subsection (3) pertaining to illegal parking in
25 parking spaces provided for disabled persons, said new subsection
26 (3) to read as follows:

27 "(3) In addition to the powers enumerated in sub-
28 sections (1) and (2) of this section (Sec. 2-22-4, Code of Laws of
29 Manatee County, Florida), any law enforcement officer or parking
30 enforcement specialist shall enforce handicapped parking restric-
31 tions on public and/or private property as provided hereafter.
32 Where the vehicle in violation is on public property, the law
33 enforcement officer or parking enforcement specialist shall have

1 the vehicle removed to any lawful parking space or facility or
2 require the operator or other person in charge of the vehicle
3 immediately to remove the unauthorized vehicle from the parking
4 space. Whenever any vehicle is removed by a law enforcement
5 officer, parking enforcement specialist, or agency to a storage
6 lot, garage, or other safe parking space, the cost of such removal
7 and parking shall be a lien against the vehicle."

8 Section 5. Severability. If any part, section, subsec-
9 tion, or other portion of this Ordinance, or any application
10 thereof to any person or circumstance is declared to be void,
11 unconstitutional, or invalid for any reason, such part, section,
12 subsection, or other portion, or the prescribed application there-
13 of, shall be severable, and the remaining provisions of this
14 Ordinance, and all applications thereof not having been declared
15 void, unconstitutional or invalid, shall remain in full force and
16 effect.

17 Section 6. Conflict. To the extent of any conflict be-
18 tween the provisions of this Ordinance, and any other Ordinance of
19 Manatee county, Florida, the provisions of this Ordinance shall
20 prevail.

21 Section 7. Effect of Amendment. The repeal provided for
22 in the preceding section of this Ordinance shall not affect any
23 offense, act, or infraction committed or done prior to the final
24 adoption of this Ordinance, nor shall the adoption of this
25 Ordinance affect any rights or responsibilities as the same may
26 relate to any suit, proceeding or prosecution which is founded
27 upon or relates to an act or occurrence which took place prior to
28 the final adoption of this Ordinance.

29 Section 8. Effective Date. This Ordinance shall become
30 effective immediately upon receipt of the official acknowledgment
31 from the Office of the Secretary of State in Tallahassee, Florida,
32 that this Ordinance has been filed with that office.
33

1 PASSED AND DULY ADOPTED in open session this the 14th
2 day of January, 1986.

3
4 BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

5 By *Richard H. Steinhilber*
6 Chairman 1/14/86

7
8 ATTEST: R. B. SHORE
Clerk of the Circuit Court

9 *[Signature]*

STATE OF FLORIDA

COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 14th day of January, 1986.

SUBJECT: ORDINANCE 86-03
AN ORDINANCE OF MANATEE COUNTY, FLORIDA
MAKING FINDINGS AS TO THE NEED FOR SPECIALLY
DESIGNED AND MARKED PARKING SPACES FOR CERTAIN
DISABLED PERSONS; AMENDING MANATEE COUNTY
ORDINANCE 80-5, SECTION 9, CODIFIED AS SECTION
2-22-24, CODE OF LAWS OF MANATEE COUNTY, FLORIDA
TO PROVIDE DEFINITIONS; TO PROVIDE SCOPE; TO
REQUIRE THE DESIGNATION OF SPECIALLY DESIGNED
AND MARKED PARKING SPACES FOR THE EXCLUSIVE USE
OF CERTAIN DISABLED PERSONS TO BE LOCATED ON
COUNTY-OWNED PROPERTY; TO AUTHORIZE THE DESIGNA-
TION OF SPECIALLY DESIGNED AND MARKED PARKING
SPACES FOR THE EXCLUSIVE USE OF CERTAIN DISABLED
PERSONS BY ANY BUSINESS, FIRM OR OTHER PERSON
LICENSED TO DO BUSINESS WITH THE PUBLIC; TO
PROVIDE A PROHIBITION; TO PROVIDE A USE FOR FINES
COLLECTED FOR VIOLATIONS OF SECTION 2-22-24, CODE
OF LAWS OF MANATEE COUNTY, FLORIDA; TO PROVIDE A
PENALTY; AMENDING MANATEE COUNTY ORDINANCE 80-5,
SECTION 10, CODIFIED AS SECTION 2-22-2, CODE OF
LAWS OF MANATEE COUNTY, FLORIDA TO PROVIDE A FINE
OF ONE HUNDRED DOLLARS; AMENDING MANATEE COUNTY
ORDINANCE 80-5, SECTION 8, CODIFIED AS SECTION
2-22-4, CODE OF LAWS OF MANATEE COUNTY, FLORIDA
TO PROVIDE FOR THE REMOVAL AND STORAGE OF
VEHICLES; TO PROVIDE A SEVERABILITY CLAUSE; TO
PROVIDE FOR RESOLUTION OF CONFLICT WITH OTHER
ORDINANCES; TO PROVIDE FOR EFFECT OF AMENDMENT; AND
TO PROVIDE AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 15th day of January,
1986, in Bradenton, Florida.



R. B. Shore, Clerk of Circuit Court
Manatee County, Florida



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

January 28, 1986

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County Courthouse
Post Office Box 1000
Bradenton, Florida 33506

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CLERK OF CIRCUIT COURT
MANATEE COUNTY FLORIDA

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of January 15, 1986
and certified copy/ies of Manatee
County Ordinance(s) 86-0302
relating to parking spaces for the disabled
2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed this/~~these~~ ordinance(s) in this office
on January 27, one 1986.
4. The ~~original~~/duplicate copy/ies showing the filing
is/~~are~~ being returned for your records.

Cordially,

(Mrs.) Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosure (1)