

ORDINANCE 2020- _____

AN ORDINANCE OF FRANKLIN COUNTY, FLORIDA, PROHIBITING THE PARKING OR LEAVING OF MOTOR VEHICLES, TRAILERS, OR RECREATIONAL VEHICLE TYPE UNITS ON PUBLIC PROPERTY IN UNINCORPORATED FRANKLIN COUNTY OVERNIGHT; PROVIDING FOR TOWING AT OWNER'S EXPENSE; PROVIDING FOR ENFORCEMENT BY THE SHERIFF; PROVIDING FOR PENALTIES, PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Franklin County has determined that prohibiting the parking or leaving of motor vehicles, trailers or recreational vehicle type units on public property overnight in unincorporated Franklin County is a proper and reasonable exercise of the police power of the county; and,

WHEREAS, Franklin County has determined that the Sheriff of Franklin County be, and is hereby, empowered to authorize the removal and towing of such vehicles, trailers ore recreational vehicle types at the owner's expense,

NOW THEREFORE BE IT ORDAINED BY THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS THAT:

1. No person shall, and it shall be unlawful, to park or leave unattended any motor vehicle, trailer, or recreational vehicle type units overnight in, on or upon any public property in unincorporated Franklin County, Florida, designated as public park, boat ramp or Fishing Pier, including, not necessarily limited to, the following:
 - a. D.W. Wilson Park, Apalachicola, Florida
 - b. Abercrombie Boat Landing, Apalachicola, Florida.
 - c. Buddy Ward Seafood Landing Park and Boat Ramp.
 - d. Indian Creek boat ramp, Eastpoint, Florida.
 - e. Patton Drive boat ramp, Eastpoint, Florida.
 - f. Vrooman Park, Eastpoint, Florida.
 - g. Fishing Pier, Island Drive, Eastpoint, Florida.
 - h. Fishing Pier, Franklin Boulevard, St. George Island, Florida.
 - i. Lighthouse Park, St. George Island, Florida.
 - j. 6th Street Park, St. George Island, Florida.
 - k. 9th Street Park, St. George Island, Florida.
 - l. Carrabelle Lighthouse, Carrabelle, Florida.
 - m. Carrabelle Beach Park, Carrabelle, Florida.
 - n. Kendrick Park, Carrabelle, Florida.
 - o. Island View Park, Carrabelle, Florida.
 - p. Gene Sewell park, Lanark Village.
 - q. Leonard's Landing Boat Ramp, Alligator Point, Florida.
 - r. Rio Vista Park, Alligator Point, Florida.
 - s. Ochlocknee Bay boat ramp, Alligator Point, Florida.
2. Motor vehicles, trailers and recreational vehicle type units which are parked or left unattended overnight in violation of this ordinance may be towed at any time.
3. Definitions:

- a. "Park" or "Parking" of a motor vehicle, trailer or recreational vehicle type units means the standing of a vehicle or trailer, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers, merchandise or personal property, as defined in section 316.003, Florida Statutes, as that section may hereafter be amended.
 - b. "Motor Vehicle" shall be defined as provided in section 320.01, Florida Statutes, as that section may hereafter be amended, including an automobile, motor cycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of the State of Florida, used to transport persons or property and propelled by power other than muscular power
 - c. "Trailer" shall be defined as provided in section 320.01, Florida Statutes, as that section may hereafter be amended, including any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle.
 - d. "Recreational Vehicle Type Units" shall be defined as provided in section 320.01, Florida Statutes, as that section may hereafter be amended, including travel trailers, camping trailers, truck camper, motor home, private motor coach, van conversion, park trailer, and fifth-wheel trailer.
 - e. "Owner" shall be defined as provided in section 320.01, Florida Statutes, as that section may hereafter be amended.
 - f. "Overnight" shall be defined as the period of time beginning with 9:00 p.m. (ET) and ending at 5:00 a.m. (ET).
 - g. "Person" shall be defined as provided in section 320.01, Florida Statutes, as that section may hereafter be amended.
4. Penalty: In addition to towing as provided herein, any person who violates the provisions hereof shall be guilty of a non-criminal violation as defined in section 775.08, Florida Statutes, 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. In addition to towing as provided herein, any person who violates the provisions hereof a second time, or who violates the provisions hereof which 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 Florida law with respect to the investigation, prosecution and adjudication of criminal traffic offenses.
 5. Towing: The Franklin County Sheriff and sheriff's deputies are hereby authorized to direct the towing and removal of any motor vehicle, trailer or recreational vehicle type unit found parked or left unattended in violation of this ordinance, and the owner thereof shall be entitled to recover the such vehicle only upon payments of all reasonable towing and storage fees.
 6. Severability: If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is held by a final judgment from a court of competent jurisdiction to be unconstitutional, void or invalid, it shall be severed from this ordinance and the remaining portion of the ordinance shall be enforced.
 7. Repeal: All ordinances in conflict with the provision of this ordinance are hereby repealed.
 8. Effective Date: This ordinance shall take effect as provided by law.

Franklin County, a political subdivision of
The State of Florida

Attest:

By: _____
Noah Lockley, Jr., Its Chairman

By: _____
Marcia M. Johnson, Clerk of Court

Approved as to legal form and sufficiency

By: _____
Thomas M. Shuler, Franklin County Attorney

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