

NOTICE OF INTENT TO CONSIDER ADOPTION OF A COUNTY ORDINANCE

Notice is given that on the 4th day of May, 2021 at 11:00 a.m. (ET), or as soon thereafter as is possible, in the courtroom at the Courthouse Annex, located at 34 Forbes Street, Apalachicola, Florida, the Franklin County Board of County Commissioners shall conduct a public hearing to consider adopting a county ordinance entitled:

An Ordinance Prohibiting the Parking or Leaving of Private Motor Vehicles, Trailers or Fifth Wheels on the Public Right of Ways on Alligator Point and St. George Island In Areas Marked No Parking; Providing Areas For Parking; Providing For Immobilization Devices; Providing for Towing at Owner's Expense on Authorization of County Sheriff; Providing for Penalties; Revoking All Other Ordinances Regulating Parking On Alligator Point and St. George Island; Providing for Severability and Providing for an Effective Date.

The public is invited to attend the public hearing. Those persons who desire to speak regarding the adoption of the ordinance may appear at the hearing and shall be heard.

The proposed ordinance is on file with, and may be viewed at, the office of the Clerk of Court at the Franklin County Courthouse, which is located at 33 Market Street, Apalachicola, Florida.

The meeting room is handicap accessible; however, those persons who may require special assistance to attend the public meeting must make arrangements in advance by calling deputy clerk Jessica Gay at 850-653-8861, x100 at least two business days in advance of the meeting.

Any person who may desire to challenge the outcome of the meeting is responsible for recording a verbatim transcript of the meeting.

FRANKLIN COUNTY ORDINANCE 2021- ____

An Ordinance Prohibiting the Parking or Leaving of Private Motor Vehicles, Trailers or Fifth Wheels on the Public Right of Ways on Alligator Point and St. George Island in Areas Marked No Parking; Providing Areas for Parking; Providing for Immobilization; Providing for Towing at Owner's Expense on Authorization of County Sheriff; Providing for Penalties; Revoking All Other Ordinances Regulating Parking on Alligator Point and St. George Island; Providing for Severability and Providing for an Effective Date.

WHEREAS, the Board of County Commissioners has determined that the imposition of restrictions and penalties on the obstruction of public property in areas marked "No Parking" 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 be empowered to authorize either the booting or the removal and towing of such vehicles, or both, at the expense of the owner or the person in control of the motor vehicle, camper, trailer or Fifth Wheel; and,

WHEREAS, the Board of County Commissioners has determined further that providing for parking along the rights of ways along public roads at public beach access points is also a proper and reasonable exercise of the police power of the County; and,

WHEREAS, the Board of County Commissioners hereby determines that the penalties imposed by this ordinance are reasonable and are rationally related to the purpose of regulating parking at Alligator Point, Florida and St. George Island, Florida; and,

WHEREAS, it is the intention of the Board of County Commissioners that the phrase "Alligator Point" shall also include Bald Point;

NOW THEREFORE BE IT ORDAINED THAT:

1. The parking or leaving unattended of any motor vehicle, camper, water vessel or trailer on public streets and public property at either St. George Island, Florida or Alligator Point, Florida, in one or more areas designated by signage as a "No Parking" area is hereby prohibited. The signage given for designated "No Parking" areas shall be permanently installed, oriented for drivers, with the bottom of the sign not less than four feet above ground level and the top of the sign not more than six feet above ground level. The text of the sign, in not less than four inches high, the words "No Parking Area."
2. Any motor vehicle, camper, water vessel or trailer that is parked or otherwise left unattended on a public street or public property in an area designated by signage as a "No Parking" area at either St. George Island, Florida, or Alligator Point, Florida is a violation of this ordinance.
3. Any motor vehicle may park or otherwise be left unattended on a public street or public property in an area designated by signage as a "Public Parking Area" at either St. George Island, Florida, or Alligator Point, Florida and shall not be in violation of this ordinance. Due to limited right of way width, it shall be a violation of this ordinance to park campers, water vessels or trailers within areas designated for "Parking." The signage given for designated "Parking" areas shall be permanently installed, oriented for drivers, with the bottom of the sign not less than four feet above ground level and

the top of the sign not more than six feet above ground level. The text of the sign, in not less than four inches high, the words "Public Parking Area."

4. Signage Authorized: Franklin County is authorized to post such signs that will adequately notify the public of the parking restrictions established by this ordinance, as is provided herein; provided that the placement, adequacy, or number of such 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.

5. Immobilization of motor vehicles ("booting"):

Vehicles parked in "No Parking" areas; booting:

Except as otherwise limited herein, the Franklin County Sheriff's Department may cause any motor vehicles, campers, water vessels or trailers (sometimes collectively referred to herein as "vehicle") parked in an area marked "No Parking" to be booted without the permission or authority from the owner or duly-authorized driver thereof and to avoid liability for the costs of such booting, provided that the following requirements are satisfied:

(a) The motor vehicle, camper, water vessel or trailer is unlawfully parked, and signage giving notice, in the form specified herein ("Notice Sign"), shall be prominently posted on the property on which the vehicle is booted. The notice sign shall be permanently installed, oriented for drivers, with the bottom of the sign not less than four (4) feet above ground level and the top of the sign not more than six (6) feet above ground level, and shall be continuously maintained on the property for not fewer than twenty-four (24) hours before the towing or removal of vehicles.

(b) The text of the notice signs shall clearly display, in reflective letters on a contrasting background or lit by flood lighting, the following information:

- i. In not less than four (4) inches high, the words "booting/tow away zone";
- ii. In letters at least two (2) inches high, notice that unauthorized vehicles will be booted or towed away at the owner's expense;
- iii. In letters at least two (2) inches high, the days of the week and hours of the day during which vehicles will be booted;
- iv. In letters at least one (1) inch high, the fee to unboot the vehicle;
- v. In letters at least one (1) inch high, the name and address of the person performing the booting service;
- vi. In letters at least two (2) inches high, the telephone number to call and the on-site location (if applicable) where a person can go to request the unbooting of the vehicle; and

The notice sign shall read substantially as follows (with the designated information to be inserted at the indicated spaces): BOOTING/TOW-AWAY ZONE; IF YOU PARK YOUR VEHICLE AND LEAVE THE PREMISES, YOUR VEHICLE WILL BE IMMEDIATELY BOOTED SUBJECT TO A (insert fee) FEE TO RELEASE VEHICLE OR TOWED AT YOUR EXPENSE. BOOTING PERFORMED BY: (inset name, address and telephone number to call to request removal of the immobilization device);

(c) A vehicle occupied by a living natural person or animal may not be booted;

(d) The vehicle may not be a police, fire fighting, rescue squad, ambulance or other emergency vehicle marked as such;

(e) Immediately after a vehicle is booted, the person booting such vehicle, shall affix at the rearmost portion of the window adjacent to the driver's seat of such vehicle, a sticker with a completely removable adhesive, measuring eight and one-half by eleven inches containing a warning that any attempt to move the vehicle may result in damage to the vehicle, and stating the name and business address of the person who booted such vehicles as well as a business telephone number which will facilitate the dispatch of personnel responsible for removing the boot.

(f) In addition, any person who booted a vehicle, or other person authorized to accept payment of any charges for such booting, shall provide a signed receipt to the individual paying the booting charges at the time such charges are paid. Such receipt shall state the name, business address, and business telephone number of the Franklin County Sheriff's Department, the name of the deputy who booted such vehicle, and such receipt shall include a telephone number of the office within the Sheriff's Department responsible for receiving complaints with respect to booting, whether this is a first offense, second offense or third or subsequent offense, and the amount paid to remove the boot.

(g) No charge shall be imposed for the booting of a vehicle unless and until the requirements of this section have been met.

(h) After booting, any deputy sheriff shall release such vehicle as soon as practical, but not to exceed thirty (30) minutes of receiving a request for such vehicle's release; provided, however, that full payment of any charge for booting is made at or prior to the time of such vehicle's release. The owner or person in control of a vehicle which has been booted shall be permitted to pay any charge for booting at the location where such vehicle was booted and the deputy sheriff receiving payment for booting services shall accept payment for charges from the owner or duly authorized representative in accordance with the provisions of this ordinance.

(i) A booted vehicle shall not remain immobilized for more than twenty-four (24) hours. After such period of time has expired, the vehicle shall be released from the steel boot and may be towed or removed pursuant to this article, and no fee shall be assessed for release of the booting device.

(j) A person may not be charged more than the maximum fee established by resolution by the County Commission.

(k) The cost to remove the boot shall be as follows:

First Offense:	\$100.00
Second Offense:	\$250.00
Third Offense and subsequent offenses:	\$500.00.

Franklin County reserves the right to amend the cost to remove the boot by resolution at any regular meeting of the Board of County Commissioners.

6. Penalties: The penalty for the violation of this ordinance shall include immobilization ("booting"); removal and towing of such motor vehicle, camper, water vessel or trailer at the owner's or duly authorized representative's expense and the same may be recovered by the owner or duly

authorized representative only upon the payment of all reasonable towing charges and storage charges authorized by law. The penalty provisions of this ordinance are cumulative. For purposes of this section, the person in control of the motor vehicle, camper, water vessel or trailer shall be included within the meaning of duly authorize representative.

A vehicle occupied by a living natural person or animal may not be towed.

7. Enforcement: This ordinance may be enforced by any duly sworn law enforcement officer, including the Franklin County Sheriff

8. Definitions:

a. "Alligator Point" means that area of Franklin County, Florida, specifically including the public streets known as Alligator Drive and Bald Point Road, but shall not be limited to those two streets, and also includes all public property and streets located, presently and in the future, within the following areas in Franklin County, Florida: to wit:

- i. Sections 3 and 35, Township 6 South, Range 2 West;
- ii. Sections 1 and 2, Township 7 South, Range 2 West;
- iii. Sections 4, 5 and 6, Township 7 South, Range 1 West;
- iv. Sections 13, 24, 25 and 36, Township 6 South, Range 2 West;
- v. Sections 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, Township 6 South, Range 1 West.

b. "Camper" means an accessory to a motor vehicle used for camping, including, but not limited to a recreational vehicle, travel trailer, popup camper or camper shell.

c. "Immobilization" shall mean booting as provided in Section "5".

d. "Motor Vehicle" shall include any self-propelled wheeled device that does not move upon rails, but which moves in, upon or by which any person(s) or property is or may be transported upon a street or other public right of way, except devices moved by human power.

e. "No Parking Area" shall mean those areas of the public streets and other public property, at St. George Island, Florida, and Alligator Point, Florida, at which are placed signs informing the public that it shall not park in those locations.

f. "Park" or "Parking" means the stoppage of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in unloading passengers or property.

g. "St. George Island" means that part of Franklin County, Florida, described as follows:

That area shown as St. George Island, Florida as shown on the General Highway Map of Franklin County produced by the Florida Department of Highway Transportation, dated July 1988, revised October 1990 and March 1994, which is bounded on the South by the Gulf of Mexico, on the East by East Pass and on the West by the Government Cut/Bob Sikes Cut and on the North by Apalachicola Bay and St. George Sound.

c. "Trailer" means a separate vehicle not driven or propelled by its own power, but drawn by some independent power, including, but not limited to boat trailers, tractor trailers and fifth-wheels.

d. "Water Vessel" means a ship, boat or other similar vessel used or capable of being used in navigation on water, whether motorized or human powered.

9. Savings Clause: If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional, void or invalid, it shall be stricken and the remaining provisions of this ordinance shall survive, and shall remain in full force and effect.

10. Effective Date: This ordinance shall take effect as provided by law.

11. Repeal: Any ordinance in conflict the terms of this ordinance is hereby repealed to extent of such conflict. Specifically, but not limited to, any other ordinance regulating parking on St. George Island, Florida and Alligator Point, Florida.

Adopted this 4th day of May, 2021.

FRANKLIN COUNTY, a political subdivision of the State
of Florida

By: _____
Ricky D. Jones, Its Chairman

ATTEST:

By: _____
Michele Maxwell, Clerk of Court

Approved to Legal Form and Substance:

By: _____
Thomas M. Shuler, County Attorney

DRAFT