

Agenda
City of Dunnellon
20750 River Drive, Dunnellon, FL 34431
Special City Council Meeting
March 23, 2026, 5:00 PM

Dunnellon Special City Council meeting will be held on March 23, 2026, 5:00 pm.

Public Comment: Anyone who wishes to provide public comment will be able to do so by participating in the Special City Council meeting in person.

Supporting Documentation for Agenda items may not be ADA compliant for website posting. To obtain supporting documentation not published to the website, please contact the City Clerk's office.

Call to Order

Pledge of Allegiance

Opening Prayer/Moment of Silence

(suggested time limit: 1minute: Mayor to request if any invitee is present to open with prayer; if no invitee is present, Mayor will ask if a Dunnellon citizen will volunteer. If no volunteers, a moment of silence will be offered. If a citizen outside of Dunnellon requests to open with prayer, (s)he may do so if no invitee/citizens volunteer.)

Roll Call

Proof of Publication - The agenda was published on the City's website and City Hall bulletin board on Monday, March 16, 2026. The agenda was amended on Monday, 3/23 to add backup to item #2a and amended backup for item #1b.

Public Hearing Statement

All persons wishing to address the City Council will be asked to limit their comments to the specific subject being addressed. Public opinions and input are valued by the Council. However, it is requested that comments are directed at specific issues rather than personal comments directed toward the Council members or staff in order to foster mutual respect between Council members and the public.

Members of the public in attendance at public forums should listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

Members of the public addressing City Council and boards/commissions on a specific project or proposal are requested to disclose any personal interest or relationship; and any business, professional, or financial interests with any individual, group, project or proposal regarding the subject matter under review. Members of the public should always err on the side of more

public disclosure, not less, in order to provide integrity to the public process.

1. Public Hearing

1.a Public Hearing Ordinance #ORD2026-03, Boat Launch Regulations (published on the City's Website 3/5/2026 and in the Riverland News 3/13/2026)

1.b Final Reading Ordinance #ORD2026-03, Boat Launch Regulations

Accept Public Comment

Proposed Motion: I move Ordinance #ORD2026-03 be read by title only.

Proposed Motion: I move Ordinance #ORD2026-03 be approved.

Documents:

[Ordinance ORD2026-03 Boat Launch Program_Final.pdf](#)

[Ordinance ORD2026-03 Business Impact Statement.pdf](#)

2. Ordinance

2.a First Reading Ordinance #ORD2026-02, Parking Regulations

Accept Public Comment

Proposed Motion: I move Ordinance #ORD2026-02 be read by title only.

Proposed Motion: I move Ordinance #ORD2026-02 be approved.

Documents:

[Ordinance ORD2026-02 Parking Regulations_Draft.pdf](#)

[Ordinance ORD2026-02 Business Impact Statement.pdf](#)

Adjourn

Proposed Motion: I move the Special City Council meeting be adjourned.

ANY PERSON REQUIRING A SPECIAL ACCOMMODATION AT THIS HEARING BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT THE CITY CLERK AT (352) 465-8500 AT LEAST 48 HOURS PRIOR TO THE PROCEEDING. IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THE ABOVE MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY IS NOT RESPONSIBLE FOR ANY MECHANICAL FAILURE OF RECORDING EQUIPMENT.

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AN ORDINANCE OF THE CITY OF DUNNELLON AMENDING CHAPTER 46, ARTICLE IV OF THE CITY OF DUNNELLON CODE OF ORDINANCES REGARDING CENTENNIAL PARK BOAT RAMP LAUNCH FEES AND PENALTIES AND ENFORCEMENT; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, Chapter 166, *Florida Statutes*, vests the City of Dunnellon with the police and regulatory powers to impose user fees for certain municipal services; and

WHEREAS, it is the intent of the City Council to promote, protect and improve the health, safety, and welfare of the citizens of Dunnellon, Florida; and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety, and welfare to assess a fee for the launching of watercraft from the Centennial Park Boat Ramp.

LEGISLATIVE UNDERSCORING: Underlined words constitute additions to the City of Dunnellon Code of Ordinances, ~~striketrough~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA AS FOLLOWS:

SECTION 1: The “whereas” clauses cited herein are the legislative findings of the City Council.

SECTION 2: Chapter 46 – Parks and Recreation, Article IV – ‘Centennial Park Boat Ramp’ is hereby amend as follows:

ARTICLE IV. CENTENNIAL PARK BOAT RAMP LAUNCH FEES

Sec. 46-101. Definitions.

Calendar days mean each day of the week, and include Saturdays, Sundays, and legal holidays. Thus, in computing any period of time prescribed or allowed by this chapter, the day of the act, event, or default from which the designated period of time begins to run shall not be included; however, the last day of the period so computed shall be included, even if it is a Saturday, Sunday or legal holiday, any provision of this Code to the contrary notwithstanding. If any period

of time under this chapter is sought to be complied with by means of mailing, the date of actual receipt of the mail by the city, not the date of posting, shall be deemed the date of compliance.

Camera-enforced watercraft launching means any technological method of monitoring, recording, or enforcing *watercraft launching* regulations using photographic, electronic, or license plate recognition systems. Such systems may determine vehicle entry, exit, duration, and payment compliance through integration with physical meters, pay stations, web-based portals, or other City-approved methods. Payment for camera-enforced *watercraft launching* may be made by any approved method, including: (1) physical meter or pay-station equipment; (2) web-based portals accessible via posted QR codes or URLs; (3) mobile applications; or (4) any successor or combination of technologies authorized by City Council resolution. This definition does not limit the City to a single enforcement or payment method.

Hearing officer means the code enforcement special magistrate assigned to hear watercraft launch violation hearings and challenges to launch violation invoices.

Launch fees are the daily or annual fee charged for the launching of watercraft at the Centennial Park Boat Ramp.

Permit is the annual permit issued by the city evidencing payment of the required annual fee for the launching of a watercraft at the Centennial Park Boat Ramp.

Vehicle means a machine propelled by power, other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.

Watercraft are any and all kinds or types of flotation vessels designated for use on the water whether or not motorized including, but not limited to, boats, canoes, kayaks, personal watercraft (such as jet skis), inflatable watercraft, and paddleboards.

Watercraft launch enforcement specialist means a city employee or authorized contractor empowered by the city to administer, monitor, verify, and enforce city watercraft launch regulations through meter and pay-station enforcement and camera-enforced or web-based systems utilizing license plate recognition technology. Watercraft launch enforcement specialists may issue launch violation invoices via mail, validate photographic or electronic evidence, and prepare materials for hearings. Certification under the Florida Criminal Justice Standards and Training Commission is not required for employees/contractors performing such duties under city authority.

Watercraft launch violation hearing means a hearing by a hearing officer in which an operator or owner of a vehicle bearing a license plate that has been issued a launch violation invoice or an owner of a vehicle who was issued a notice of default status may contest the issuance of a launch violation invoice or notice of default status. Watercraft launch violation hearings shall provide the opportunity for testimony and evidence to be presented, and the rules of evidence shall be liberally construed to allow for the presentation of testimony and evidence.

Sec. 46-102. Placement of camera-enforced watercraft launch system and devices.

The installation of a camera watercraft launch system and devices at the Centennial Park Boat Ramp is hereby authorized, ratified, and confirmed. The placement of the system and devices shall

be in accordance with applicable city ordinances and/or resolutions. Watercraft launch sessions may be measured and enforced by vehicle entry, exit, and duration data rather than by individual meter devices.

Sec. ~~46-102.~~ 46-103. Imposition of launch fees.

(a) ~~Any person launching~~ A launch fee shall be paid in order to launch a watercraft from a vehicle at the Centennial Park Boat Ramp, ~~shall pay a launch fee, the~~ The launch fee amount of which shall be set by resolution of the city council.

(b) Annual permits may be purchased from the city. ~~Annual permits shall be displayed on the permit holder's vehicle or as may be otherwise directed by the city.~~

(c) The amount of the launch fee may be changed by resolution of the city council.

(d) Launch fees may be waived for special events by resolution of the city council.

Sec. ~~46-103.~~ Penalties—~~Fine schedule for violations.~~

~~(a) Violations of the provisions of this article, or failure to comply with any of the requirements as stated, shall constitute a civil municipal code violation.~~

~~(b) Any person who violates this article or fails to comply with any of its provisions shall be issued a civil municipal code violation ticket by the city police department or by a city code enforcement officer. The citation may be served by personal delivery, by first class mail or by affixing the citation to the vehicle, watercraft, or trailer.~~

~~(c) Contents of civil municipal code violation ticket. The ticket shall specifically describe the following:~~

~~(1) Specify the nature of the violation and cite to the applicable section of this article;~~

~~(2) Indicate the amount of the fine;~~

~~(3) Give notice to the violator that he or she must pay the fine within 30 days or appeal the ticket; and~~

~~(4) Describe the procedures to be followed in either paying such fine or electing not to pay such fine and requesting a hearing before a county court official concerning the violation, and the penalty for failure to comply with the directions on the ticket. A sequential numbering system shall be used.~~

~~(d) Computation of time. If the last day of any time period described in this section falls on a Saturday, Sunday or legal holiday, the time period shall run until the end of the next day which is neither a Saturday, a Sunday nor a legal holiday.~~

~~(e) The civil municipal code fine for the first violation of this ordinance shall be \$100.00 per violation, plus any applicable administrative costs and/or court costs.~~

~~(f) Increased civil municipal code fines may be imposed for repeated violations of this ordinance. A "repeat violation" is a second or subsequent violation of this ordinance committed within six months of a prior violation and for which the violator admits responsibility or is found guilty.~~

~~(g) The civil municipal code fine for the first repeat violation shall be \$150.00, plus any applicable administrative costs and/or court costs.~~

~~(h) The civil municipal code fine for a second or any subsequent repeat violation thereafter shall be \$300.00, plus any applicable administrative and/or court costs.~~

~~Sec. 46-104. Payment of fine; appeals.~~

~~(a) Violations of this article shall be referred to the county court for the county of the Fifth Judicial Circuit.~~

~~(b) An individual receiving a ticket pursuant to this section shall have 30 days from the date of issuance to pay the fine per the instructions on the ticket or request an appeal per subsection (c) below.~~

~~(c) Appeal of civil municipal code fine ticket.~~

~~(1) Any individual who receives a civil ticket issued pursuant to the requirements of this chapter may voluntarily elect to appeal the ticket and request a hearing within 30 days from issuance of the ticket, by requesting an appeal with the county court for the county of the Fifth Judicial Circuit per the instructions on the ticket.~~

~~(2) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the fine cited on the ticket. The official, after a hearing, shall make a determination as to whether a violation has been committed and may impose a civil penalty or the fine amount designated on the ticket, plus court costs.~~

~~(d) Failure to pay fine. If the fine is not paid within 30 days from issuance, and no appeal is filed, then the appearance before the county court of persons who fail to comply with the provisions of this article will be compelled by the issuance of a summons by the deputy clerk of the court for the county of the Fifth Judicial Circuit. A warrant shall be issued by the court for the arrest of any person who fails to appear in response to such summons.~~

Sec. 46-104. Watercraft launch violations.

(a) It is unlawful to utilize the Centennial Park Boat Ramp to launch a watercraft from a vehicle without paying the launch fee adopted by the City.

(b) It is unlawful to tamper with or disable any equipment, signage, or camera system associated with camera-enforced watercraft launching.

Sec. 46-105. Providing notice of violation; citation and invoicing; enforcement; payment options; hearings.

(a) Notice of violation under this chapter shall be provided through the issuance of a launch violation invoice.

(b) Nothing herein shall be interpreted as preventing the enforcement of any violation of Florida Statutes or any City of Dunnellon Ordinance through other means of enforcement or in conjunction with any other enforcement methods including City Code.

(c) The city may establish camera-enforced watercraft launching to allow the capture of launch violations at the Centennial Park Boat Ramp within the city as authorized under this section. Camera-enforced watercraft launching at the Centennial Park Boat Ramp shall be permitted as follows:

(1) Administrative costs may be established by resolution and included with the penalties and included in the launch violation invoice.

(2) The city shall identify the area in which camera-enforced watercraft launching occurs by placing signage that is legible and clearly visible to persons entering the area used for camera-enforced watercraft launching. Signs shall, at a minimum, include: identification of the City or its authorized operator; applicable rates and accepted payment methods (including any physical meters and/or web-based options); notice that camera or license plate recognition enforcement may be used; contact information (phone and email) for inquiries and appeals; and instructions or website address for reviewing photographic or electronic evidence.

(3) Camera-enforced launch violation invoices must be mailed by first-class mail within five (5) business days of the violation. A delinquency fee may not be assessed until expiration of the payment periods under this section. The mailing of the invoice constitutes notification.

(4) In addition to other required information under this section, camera enforced launch violation invoices shall state that the registered owner has a right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The invoice must provide instructions for viewing the evidence of the violation.

(5) If the registered owner or co-owner of the vehicle, or the person designated as having care, custody, or control of the vehicle or watercraft at the time of the violation, or an authorized representative thereof, initiates a proceeding to challenge the violation, such person waives any challenge or dispute as to the delivery of the camera enforced invoice.

(6) The photographic or electronic image or streaming video of a camera enforced launch violation is evidence that a violation occurred and is admissible in any proceeding to enforce the violation and raises a rebuttable presumption that the vehicle named in the launch violation invoice or shown in the photographic or electronic image or streaming video evidence was used in violation if it shows the clear entry and exit of the vehicle along with evidence being presented that payment was not made.

(7) Violations captured via camera will result in the issuance of a launch violation invoice to the registered owner of the motor vehicle involved in the violation by first-class mail to the address of the registered owner. The owner of a vehicle is responsible and liable for payment of any launch violation invoice unless the owner can furnish evidence that the vehicle was, at the time of the launch violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within thirty (30) calendar days of the date of the violation to furnish to the City an affidavit setting forth the name, address, and driver license number of the person who leased, rented, or otherwise had the care, custody, or control of the vehicle. The affidavit submitted under this subsection is admissible in a proceeding charging a launch violation and raises the rebuttable

204 presumption that the person identified in the affidavit is responsible for payment of the
205 launch violation invoice. The owner of a vehicle is not responsible for a launch violation
206 invoice if the vehicle involved was, at the time, stolen or in the care, custody, or control of
207 some person who did not have permission of the owner to use the vehicle. In the case of
208 joint ownership of a motor vehicle, the invoice shall be mailed to the first person appearing
209 on the registration, unless the first name is a business organization, in which case the
210 second name appearing on the registration may be used. The owner of a leased vehicle is
211 not responsible for paying the camera enforced launch violation invoice and is not required
212 to submit an affidavit as provided herein if the name on the registration is in the name of
213 the lessee of such vehicle.

214 (8) For the issuance of invoice by mail, a watercraft launch enforcement specialist who
215 discovers a watercraft launched in violation of this chapter via “non-payment” or other law
216 may issue an invoice via mail to the vehicle owner as identified by the license plate number,
217 vehicle identification number, or with other specificity to ensure the vehicle in violation
218 can be identified and deliver the invoice to the vehicle's registered owner by mail.

219 (9) Launch violation invoices may be issued by a watercraft launch enforcement specialist
220 utilizing the following procedures along with any rules adopted by the city:

221 A. Verify a violation following review of the approved camera playback system/automated
222 image capture;

223 B. Verify the registered owner;

224 C. Confirm the date, time, location and all required information is identified on a launch
225 violation invoice; and

226 D. Issue a launch violation invoice as provided under this section.

227
228 **Sec. 46-106. Issuance of launch violation invoices; payment or contesting launch violation**
229 **invoices; requesting a review.**

230 (a) A launch violation invoice shall provide:

231 (1) The date and time of the violation;

232 (2) The issuance date if different than the date and time of the violation;

233 (3) The name or identification number of the individual who issued the launch violation
234 invoice;

235 (4) A description of the violation;

236 (5) The penalty amount;

237 (6) The period of time in which it must be paid or set for a watercraft launch violation hearing
238 before it is considered in delinquent status;

239 (7) The vehicle information;

240 (8) Information on how and where the launch violation invoice may be paid;

241 (9) A photo of the tag captured and instructions for viewing photographic or electronic
242 evidence online via the City-approved portal or website, if camera enforced; and

(10) Information on how the launch violation invoice may be contested.

(b) A person who wishes to contest launch violation invoice without being assessed additional penalties or costs for delinquency shall complete and submit a written or electronic request using the City's form or online portal for a watercraft launch violation hearing which must be received by the City within thirty (30) calendar days of the date of the violation. Upon such request, a notice of hearing will be issued, confirming the time and date of the hearing. A copy of the person's driver's license and vehicle registration, or other document acceptable to the city attorney's office, will be necessary to set a watercraft launch violation hearing. All contested watercraft launch violation hearings shall be heard by a hearing officer. The city shall send a notice of hearing which states:

(1) The date, time, and location of a pre-scheduled watercraft launch violation hearing; and

(2) That a person who elects to contest the launch violation invoice may be assessed a penalty if found in violation after a hearing by a hearing officer;

(3) That a person who elects to contest a launch violation invoice and then fails to appear at the watercraft launch violation hearing shall be deemed to have waived his or her right to a hearing and may be found in violation by default subject to a penalty), unless otherwise authorized or prohibited by law;

(4) That unpaid violations will be in delinquent status and are subject to being sent to collections for payment;

(d) The notice of hearing shall be sent by mail or e-mail to the person making the request for a watercraft launch violation hearing at the physical address or e-mail address provided in the request. A certification by the City that the notice of hearing was mailed to the physical address or e-mail address provided on a request for a watercraft launch violation hearing constitutes prima facie evidence that the person on the notice of hearing was served with the notice. Upon notification, the person requesting a watercraft launch violation hearing is required to comply with the directions on the notice of hearing or face a finding of violation due to default. Additional penalties or costs may be imposed by a hearing officer upon finding of a violation; however, a violation which was set for a watercraft launch violation hearing upon a timely requested watercraft launch violation hearing shall not be assessed fees for delinquency if timely paid after a finding of a violation.

(e) A person who requests a watercraft launch violation hearing waives his or her right to pay the initial civil penalty amounts set forth in this chapter. The hearing officer, after a hearing, shall make a determination as to whether a launch violation has been committed and may impose a civil penalty unless otherwise authorized or prohibited by law, plus administrative costs.

(f) Preliminary review of a notice of launch violation invoices may be conducted by the City's Code Enforcement Office or its authorized contractor per the City's direction.

Sec. 46-107. Liability of owners; notice of delinquent status; obtaining a watercraft launch violation hearing upon a notice of delinquent status.

(a) A person issued a launch violation invoice is deemed to be charged with a noncriminal civil infraction shall be deemed responsible for complying with the directions on the launch violation invoice for paying or contesting the violation.

- (b) All launch violation invoices which have not been paid or set for a watercraft launch violation hearing as described in this chapter shall be deemed in delinquent status at the expiration of the thirty (30) day time period, and the city shall send the owner of the vehicle that was issued a launch violation invoice a notice of delinquent status which states:
- (1) The launch violation invoice number, date, time, description, and amount of penalties to include the original amount of the penalty, the amount of penalties for delinquency, and administrative fees;
 - (2) The options for methods of payment of the launch violation invoice;
 - (3) The due date;
 - (4) The person may still elect to contest a launch violation invoice, and/or delinquent status at a watercraft launch violation hearing by appearing in front of a hearing officer who will hear testimony and consider evidence;
 - (5) The date, time, and location of a pre-scheduled watercraft launch violation hearing which must be confirmed along with the method for confirming the hearing;
 - (6) A copy of the person's driver's license and vehicle registration shall be necessary to confirm a hearing date;
 - (7) That failure to pay the launch violation invoice or confirm the watercraft launch violation hearing by the date specified will be deemed as a waiver of the owner's right to contest the launch violation invoice and a finding of violation will be entered for the amount stated in the notice of delinquent status;
 - (8) That a person who elects to contest the launch violation invoice waives his or her right to pay the penalty amount in the notice of delinquent status and the person may be assessed a penalty if found in violation after a hearing by a hearing officer;
 - (9) That a person who elects to contest a violation and then fails to appear shall be deemed to have waived his or her right to a hearing and may be found in violation by default subject to a penalty;
 - (10) That unpaid violations shall remain in delinquent status and are subject to being sent to collections for payment;
- (c) The notice of delinquent status may be mailed by the City or its authorized contractor. Mailing constitutes proper notification.
- (d) Any person who fails to satisfy the directive on the notice of delinquent status may be assessed additional penalties or costs by a hearing officer.
- (e) A person who wants to contest a launch violation invoice or notice of delinquent status without being assessed additional penalties or costs for delinquency shall confirm the watercraft launch violation hearing as instructed in the notice of delinquent status within thirty (30) calendar days from the date of the notice of delinquent status. A copy of the owner's driver's license and vehicle registration will be necessary to confirm a hearing date.
- (f) A finding of violation occurs when a launch violation invoice is paid, not contested after notice of violation, in default, or after a hearing by a hearing officer results in a finding of violation. All findings of violations are considered an adjudication on the merits.

Sec. 46-108. Cancellation or continuances of hearings; burden of proof; payment after hearing.

- (a) A scheduled watercraft launch violation hearing shall be cancelled if full payment of the pending violation(s) is received prior to the hearing date. A person wanting to continue a watercraft launch violation hearing date shall deliver a written request for continuance to the city at least seventy-two (72) hours prior to the hearing date and shall be granted one continuance for a scheduled watercraft launch violation hearing of a contested launch violation invoice, or post-immobilization hearing. City staff shall administratively establish the procedure for delivery of a written request for a continuance and for providing notice of the rescheduled watercraft launch violation hearing time and date.
- (b) A violation shall be proven at a hearing by a preponderance of the evidence.
- (c) A finding of violation requires all penalties and costs to be paid within thirty (30) calendar days of the finding unless additional time is granted by the hearing officer or the city.
- (d) Failure to pay outstanding penalties or costs after a finding of a violation at a hearing shall result in the launch violation invoice being in delinquent status if not paid within the time period allowed.

Sec. 46-109. Penalties—Fine schedule for violations.

- (a) Violations of the provisions of this article, or failure to comply with any of the requirements as stated, shall constitute a civil municipal code violation.
- (b) The civil municipal code fine for the first violation of this ordinance shall be \$100.00 per violation, plus any applicable administrative costs and/or court costs.
- (c) Increased civil municipal code fines may be imposed for repeated violations of this ordinance. A "repeat violation" is a second or subsequent violation of this ordinance committed within six months of a prior violation and for which the violator admits responsibility or is found guilty.
- (d) The civil municipal code fine for the first repeat violation shall be \$150.00, plus any applicable administrative costs and/or court costs.
- (e) The civil municipal code fine for a second or any subsequent repeat violation thereafter shall be \$300.00, plus any applicable administrative and/or hearing/court costs.

Sec. 46-105. Sec. 46-110. Revenue generated from launch fees.

All revenue generated from launch fees will be placed in a restricted fund to be used for water-based city park maintenance, operations, and projects or improvements related to boating and/or parks having boat or watercraft launches.

SECTION 3. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the

higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 4. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 5. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance," or similar words, may be changed to "Section," "Article," or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective on _____, 202_.

Upon motion duly made and carried, the foregoing ordinance was adopted on the first reading on the ____ day of _____ 2026.

Upon motion duly made and carried, the foregoing ordinance was adopted on the second and final reading on the ____ day of _____ 2026.

Ordinance Posted on the City's website on _____, 2026. Public hearing advertised on the City's website on _____ and advertised in the Riverland News on _____.

Walter Green, Mayor

Attest:

Amanda L. Odom, CMC
City Clerk



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Dunnellon's website by the time notice of the proposed ordinance is published.

ORDINANCE #ORD2026-03

AN ORDINANCE OF THE CITY OF DUNNELLOH AMENDING CHAPTER 46, ARTICLE IV OF THE CITY OF DUNNELLOH CODE OF ORDINANCES REGARDING CENTENNIAL PARK BOAT RAMP LAUNCH FEES AND PENALTIES AND ENFORCEMENT; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243.
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.

¹ See Section 166.041(4)(c), Florida Statutes.

- c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts.
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of public purpose, such as serving the public health, safety, morals, and welfare):

Within the recitals of the ordinance, the City Council of the City of Dunnellon finds that it is in the best interest of the City and the health, safety, and welfare of the public to adopt the proposed ordinance, which establishes a formal launch fee program and camera-enforced watercraft launching system at the Centennial Park Boat Ramp. The ordinance creates clear definitions for the program, authorizes installation of a camera-based enforcement system utilizing license plate recognition technology, sets a fee structure for daily and annual launch permits (with amounts to be set by Council resolution), and establishes a comprehensive administrative enforcement and hearing process. The ordinance also creates a tiered civil penalty structure for violations and dedicates all launch fee revenue to a restricted fund for water-based recreation park maintenance, operations, and improvements related to boating facilities. These amendments serve the public interest by ensuring that users of the Centennial Park Boat Ramp contribute to the cost of maintaining and improving this public resource, while establishing fair, transparent, and technologically modern enforcement mechanisms that protect the rights of vehicle owners and watercraft operators.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;

Minimal direct compliance costs are anticipated for most businesses. Marine dealers, boat rental operators, fishing guides, and other businesses whose customers utilize the Centennial Park Boat Ramp will need to inform their customers of the new launch fee requirements. Businesses may incur minor administrative costs to communicate fee information to clients, but these are expected to be negligible. The ordinance's clear definitions, posted signage requirements, and web-based payment options reduce the burden of compliance by making fee payment simple and accessible. Businesses are not required to collect or remit fees on behalf of their customers.

- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

The ordinance imposes a launch fee on individuals launching watercraft from the Centennial Park Boat Ramp, with the specific fee amount to be set by resolution of the City Council. Annual permits will also be available for

purchase. These fees apply directly to the individual launching the watercraft and are not imposed on businesses as entities. However, businesses such as fishing charter operators, boat rental companies, kayak tour guides, and similar commercial watercraft operators who regularly use the Centennial Park Boat Ramp will be financially responsible for paying the applicable daily or annual launch fee each time they use the ramp for commercial purposes. Civil fines of \$100 for a first violation, \$150 for a first repeat violation, and \$300 for subsequent repeat violations may be assessed for non-payment, applying only to violators.

- (c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The City will incur regulatory costs associated with implementing the camera-enforced watercraft launching system, including procurement and installation of license plate recognition equipment, signage, pay stations or web-based payment portals, and administrative systems for invoice processing and hearings. These costs are expected to be offset—and potentially exceeded—by revenue generated from launch fees and civil penalty collections. Administrative costs may be established by Council resolution and included in launch violation invoices. All net revenue from launch fees is dedicated by the ordinance to a restricted fund for water-based recreation park maintenance, operations, and boating-related capital improvements, ensuring that program revenues directly benefit the facilities being used.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The ordinance is expected to have a limited direct impact on businesses. The businesses most likely to be affected are those whose operations involve regular use of the Centennial Park Boat Ramp, including fishing charter and guide services, kayak and canoe rental operators, paddleboard tour companies, boat dealers conducting water demonstrations, and similar commercial watercraft businesses. It is estimated that fewer than 20 such businesses in the Dunnellon area regularly utilize the Centennial Park Boat Ramp for commercial purposes. These businesses will need to factor the daily or annual launch fee into their operating costs. The annual permit option is intended to provide a cost-effective solution for frequent commercial users. The general public and recreational users are also subject to the fee, but private individuals launching personal watercraft are not “businesses” for purposes of this estimate. No businesses are expected to be forced to cease operations as a result of this ordinance.

4. Additional information the governing body deems useful (if any):

This ordinance represents a significant step forward in the responsible management and long-term sustainability of the Centennial Park Boat Ramp, one

of Dunnellon's most-used recreational facilities. The launch fee program is designed to ensure that users of the ramp contribute equitably to its maintenance and improvement. Key features of the program include:

Enhanced Due Process: The ordinance establishes clear, accessible procedures for contesting launch violation invoices, requesting reviews, and obtaining hearings before an impartial hearing officer. Vehicle owners are afforded robust protections including the right to review photographic or electronic evidence, a 14-day window to contest invoices without delinquency penalties, and the right to one continuance of a scheduled hearing.

Technological Modernization: The camera-enforced watercraft launching system utilizes license plate recognition technology to monitor and verify launch fee compliance with minimal staffing requirements. The system supports multiple payment methods including physical pay stations, web-based portals accessible via QR codes, and mobile applications, making fee payment convenient for all users.

Graduated Penalties: The civil penalty structure begins at \$100 for a first violation, escalates to \$150 for a first repeat violation within six months, and rises to \$300 for any subsequent repeat violations. This proportionate approach encourages voluntary compliance while ensuring meaningful consequences for repeat non-payment.

Revenue Management: All revenue generated from launch fees is placed in a restricted fund dedicated exclusively to water-based city park maintenance, operations, and capital improvements related to boating and watercraft launch facilities. This ensures the program is self-sustaining and directly benefits the users and facilities it serves. Delinquent accounts are subject to referral to collections to maximize fee recovery.

Public Safety and Access: The ordinance expressly covers all watercraft types, including motorized boats, kayaks, canoes, personal watercraft, inflatable vessels, and paddleboards, ensuring equitable application of the fee program. The Council retains the authority to waive launch fees for special events by resolution, preserving flexibility for community programming.

This ordinance has been drafted consistent with the City's authority under Chapter 166, Florida Statutes, to impose user fees for municipal services and to exercise its police and regulatory powers to promote the health, safety, and welfare of its citizens. Implementation will include installation of required signage, deployment of the camera enforcement system, establishment of fee amounts and administrative costs by Council resolution, and public outreach to inform residents, visitors, and commercial operators about the new program and available payment options.

[illegible]

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, DELETING CHAPTER 66, ARTICLE II OF THE CITY'S CODE OF ORDINANCES IN ITS ENTIRETY AND ADOPTING CHAPTER 66, ARTICLE II-A AND ARTICLE II-B IN ITS PLACE TO CREATE SEPARATE REGULATORY FRAMEWORKS FOR NON-METER/NON-PAID PARKING RULES AND VIOLATIONS AND PAID PARKING RULES AND VIOLATIONS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, *Florida Statutes*, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, under Chapter 316, *Florida Statutes*, the City of Dunnellon has the authority to regulate parking; and

WHEREAS, the City Council of the City of Dunnellon has determined that it is in the public interest to replace Chapter 66, Article II of the City's Code of Ordinances with Articles II-A and II-B in order to create separate regulatory and enforcement frameworks for non-paid parking violations and paid parking violations in order to promote efficient administration regarding parking regulations overall and update the regulations to reflect current practices; and

WHEREAS, the City Council wishes to protect the safety of motorists, pedestrians, and the general public; and

WHEREAS, the City Council has determined that the following amendments promote and protect the general health, safety, and welfare of the residents of the City of Dunnellon.

LEGISLATIVE UNDERSCORING: Underlined words constitute additions to the City of Dunnellon Code of Ordinances, ~~striketrough~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA AS FOLLOWS:

SECTION 1. The “whereas” clauses cited herein are the legislative findings of the City Council.

SECTION 2. Chapter 66, Article II of the City’s Code of Ordinances is hereby deleted in its entirety. The deleted provisions are attached hereto as Exhibit “A.”

SECTION 3. Chapter 66, Article II-A. “Stopping, Standing, and Parking – (Non-Paid Parking Violations)” of the City Code is hereby created as follows:

ARTICLE II-A. STOPPING, STANDING, AND PARKING – (Non-Paid Parking Violations)

DIVISION I. GENERALLY

Sec. 66-31. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Calendar days mean each day of the week, and include Saturdays, Sundays, and legal holidays. Thus, in computing any period of time prescribed or allowed by this article, the day of the act, event, or default from which the designated period of time begins to run shall not be included; however, the last day of the period so computed shall be included, even if it is a Saturday, Sunday or legal holiday, any provision of this Code to the contrary notwithstanding. If any period of time under this article is sought to be complied with by means of mailing, the date of actual receipt of the mail by the city, not the date of posting, shall be deemed the date of compliance.

Fire zone means an area designated as such that is reserved solely for vehicles of the fire department or any firefighting organization, the police department, the public services department, or any other public service or public utilities vehicles used to combat a fire.

No parking zone means an area designated as such where no vehicle may be parked, except public vehicles in an emergency.

Parking enforcement officer means a person designated as a parking enforcement officer who has successfully completed a training program established and approved by the Florida Criminal Justice Standards and Training Commission.

Sec. 66-32. State statutes adopted.

The provisions of F.S. §§ 316.1945, 316.195, 316.1951, 316.1955, 316.1957, 316.1958, 316.1959, 316.1965, 316.1967, 316.1974, and 316.1975, as such statutes pertain to parking violations, are hereby adopted and incorporated in this article by reference. Any violation of these statutes is considered as a violation of this article.

Sec. 66-33. Establishment of parking zones.

The city may approve parking zones regulating the place and duration of parking on parking areas, lots, streets, and rights-of-way of the city.

Sec. 66-34. Parking prohibited on certain areas, lots, streets, or rights-of-way.

When signs are erected giving notice thereof, no person shall at any time park a vehicle upon any so designated and posted parking area, lot, street or right-of-way of the city.

Sec. 66-35. Parking prohibited on one side of certain streets and/or rights-of-way.

When signs are erected giving notice thereof, no person shall at any time park a vehicle on the prohibited side of any so designated and posted street and/or right-of-way of the city.

Sec. 66-36. Parking prohibited during certain hours.

When signs are erected giving notice thereof, no person shall park a vehicle between the hours specified upon any so posted or designated parking area, lot, street, or right-of-way of the city.

Sec. 66-37. Parking in restricted zone; parking for certain purposes prohibited.

(a) No person shall stop, stand, or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose for which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such a zone for the purpose of and while actually engaged in the loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose for which parking is restricted.

(b) No person shall park a vehicle upon any parking area, lot, street, or right-of-way of the city, for the principal purpose of:

(1) Displaying a vehicle for sale.

(2) Washing, greasing or repairing the vehicle, except repairs necessitated by an emergency.

(3) Displaying signage.

(4) Selling merchandise from the vehicle, except in a duly established marketplace or when so authorized or licensed under this Code or any other city ordinance.

(5) Storage or as junk or dead storage for more than 24 hours.

(6) Soliciting orders for or from which goods are to be sold directly to the customer; however, this subsection shall not apply to vehicles of dealers-where the vehicles are parked temporarily for the purpose of soliciting orders from, or sale to, the occupants of the immediate premises only.

Sec. 66-38. Improper parking: parking within designated spaces, streets, and right-of-way.

(a) Any vehicle stopped, standing, or parked in or alongside a parking space as designated pursuant to this article shall park within the lines or markings designating such parking space. It is unlawful to park any vehicle in any such way that the same shall not be within the area so designated by such lines, delineations, markings, or sign post that corresponds with the parking space. The front bumper of the vehicle must be even with the lines, markings, or sign post that corresponds with the parking space or in close proximity thereto without parking beyond the established parking space, post or sign.

- (b) No person shall park a vehicle in a street of the city other than parallel with the edge of the curb or paved roadway headed in the direction of lawful traffic movement, and with the curb side wheels of the vehicle within 12 inches of the curb or paved edge of the roadway, except, upon those portions of streets which have been marked, signed or metered for angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or sign with the right front wheel against the curb. All vehicles shall be parked within the lined space provided for parking. All vehicles shall only be parked in a space designated as a zone which allows parking by the particular vehicle, and shall not park in a space which disallows parking by the particular vehicle.
- (c) A vehicle shall not occupy more than a single designated parking space.
- (d) It is unlawful to park in a street or within the right-of-way except in designated parking spaces or parking lanes.
- (e) In unmarked areas, vehicles shall park in an orderly manner as directed by signage or instructions set forth by the city.

Sec. 66-39. Leaving keys in ignition in parked vehicle.

No person shall leave a parked vehicle unattended while allowing the keys to remain in the ignition of the vehicle or in plain view within the vehicle from outside the vehicle.

DIVISION 2. ENFORCEMENT

Sec. 66-60. Enforcement, in general.

Enforcement of parking violations, and impoundment and immobilization of vehicles as provided herein serves a municipal purpose. Article VIII, section 2(b) of the Florida Constitution along with F.S. § 166.021, gives municipalities "home rule" powers. Article V, Section 1 of the Florida Constitution along with F.S. Ch. 162, empowers local governments to use local code enforcement boards or special magistrates. F.S. Ch. 316, provides the city with original jurisdiction over all streets and highways, except state roads, and allows for the placement of traffic control devices. In addition, F.S. Ch. 316, provides local jurisdictions with the authority to regulate specified activities on streets and highways to include, but not be limited to, parking and restricting the use of the streets. Municipalities are expressly authorized to regulate the parking of motor vehicles for any purpose with respect to streets, highways, or other property under the jurisdiction of the municipality. It is the intent of this article to regulate and enforce the enumerated areas within which the city may control certain traffic movements or parking within the jurisdiction of the City of Dunnellon as provided under F.S. Ch. 316, which shall be supplemental to any provisions of this article, but nothing herein shall be in conflict with F.S. Ch. 316. Unless otherwise specified, the regulation and disposition of violations of this article shall be enforced by using a hearing officer as defined herein. Nothing in this article shall limit the City's authority to employ multiple parking enforcement or payment methods concurrently. All such methods shall have equal force and effect under this Code.

Sec. 66-61. Enforcement; violations.

Notice of violation under this article shall be provided through the issuance of a parking ticket. Uniform traffic citations prepared by the Florida Department of Highway Safety and Motor Vehicles may not be issued by being attached to an unattended vehicle. A uniform traffic citation shall not be used for a parking violation of the Code. Nothing herein shall be interpreted as preventing the enforcement of any violation of Florida Statutes or any City of Dunnellon Ordinance through other means of enforcement or in conjunction with any other enforcement methods including City Code.

(a) *Issuance of parking tickets.* The law enforcement department of the city, acting through city police officers or parking enforcement specialists, shall issue municipal parking tickets to the operator if the motor vehicle is attended, and if the motor vehicle is unattended, attach such ticket, issued to the registered owner, to the vehicle in a conspicuous place.

(b) *Contents of parking ticket.* The ticket shall specifically describe the following:

(1) The date and time of the violation;

(2) The issuance date if different than the date and time of the violation;

(3) The name or identification number of the individual who issued the ticket;

(4) A description of the violation;

(5) The fine amount;

(7) The vehicle information;

(8) Information on how and where the ticket may be paid;

(9) Information on how the ticket may be contested within 30 days of issuance.

(c) *Liability for payment of fine.* The registered owner is responsible and liable for payment of any parking ticket violations.

Sec. 66-62. Payment of fine; appeals.

(a) Appeals for violations of this article shall be referred to the county court for the county of the Fifth Judicial Circuit.

(b) An individual receiving a ticket pursuant to this section shall have 30 days from the date of issuance to pay the fine per the instructions on the ticket or request an appeal per subsection (c) below.

(c) *Appeal of parking ticket.*

(1) Any individual who receives a parking ticket issued pursuant to the requirements of this article may voluntarily elect to appeal the parking ticket and request a hearing within 30 days from issuance of the ticket, by requesting an appeal with the county court for the county of the Fifth Judicial Circuit per the instructions on the parking ticket.

(2) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the fine cited on the ticket. The official, after a hearing, shall make

- 190 a determination as to whether a parking violation has been committed and may impose
191 a civil penalty or the fine amount designated on the ticket, plus court costs.
- 192 (d) Failure to pay fine. If the fine is not paid within 30 days from issuance, and no appeal is filed,
193 then the appearance before the county court of persons who fail to comply with the provisions
194 of this division may be compelled by the issuance of a summons by the deputy clerk of the
195 court for the county of the Fifth Judicial Circuit. A warrant may be issued by the court for the
196 arrest of any person who fails to appear in response to such summons.

197

198 **Sec. 66-63. Vehicles parked in violation of regulations deemed nuisance; liability of owners.**

- 199 (a) The owner of any vehicle shall be held responsible for any vehicle found upon a street or
200 highway in violation of any provision of this article, or any ordinance(s) or executive order
201 for emergency which regulates the stopping, standing, or parking of vehicles. Nothing
202 contained in this article shall limit the ability of the city to seek other enforcement action as
203 may be permitted in the Code nor limit the ability of the city to enjoin a nuisance.
- 204 (b) It is unlawful for any vehicle in violation of this article to remain in any lawful parking space
205 for more than two (2) hours after a ticket has been issued for violation of any provision of this
206 article. For continuous parking beyond each two (2) hour period, a new offense shall be
207 deemed to have occurred and a notice of violation may be issued for each subsequent two (2)
208 hour period.
- 209 (c) Any person issued a ticket is deemed to be charged with a noncriminal civil infraction and
210 shall be deemed responsible for complying with the directions on the ticket for paying or
211 contesting the violation.

212

213 **Sec. 66-64. Relocation, immobilization, impoundment.**

- 214 (a) Any police officer of the city is authorized to attach a device that is capable of immobilizing
215 a motor vehicle so that it cannot be moved under its own power without damage to such motor
216 vehicle, when three or more parking tickets for unlawful or illegal parking involving the
217 motor vehicle have been outstanding for more than 30 days and have not been disposed of by
218 payment of the fines or as otherwise provided by this article.
- 219 (b) The immobilizing device shall be attached to the motor vehicle at the place where it is found,
220 except that no motor vehicle shall be immobilized within the traveled portion of any street or
221 any portion of a street when immobilization at such place would create a hazard to the public
222 or to traffic on the street. At the same time as the immobilizing device is attached to the motor
223 vehicle, a notice shall be affixed to the windshield or other prominent place on the motor
224 vehicle stating that the immobilizing device has been so attached, cautioning the operator not
225 to attempt to operate the motor vehicle while the immobilizing device has been so attached,
226 and informing the owner or operator of the motor vehicle of the number and age of, and total
227 finest and charges assessable under, the citations for which the motor vehicle is immobilized,
228 including the removal charge for the removal of the immobilizing device, and where the
229 owner must go in order to pay the fines and charges and have the immobilizing device
230 removed from the motor vehicle.

(c) The immobilizing device shall be removed from the motor vehicle upon payment of the total fines and late payment charges assessed against the owner of the vehicle. The police officer may approve the removal of the immobilizing device upon obtaining satisfactory arrangements for the stated fines and late charges.

(d) The police officer may tow or cause to be towed and impound any motor vehicle immobilized under this article if payment for fines and late payments or satisfactory arrangements in lieu thereof have not been paid or obtained within 24 hours of the attaching of the immobilizing device. All expenses for towing or impounding shall be borne by the owner of the vehicle.

Sec. 66-65. Penalties and fees.

The penalties and fees for parking infractions and violations as set forth in this article are hereby established as follows:

(1) Parking in a no parking zone – not to exceed one hundred dollars (\$100.00.)

(2) Disabled parking without valid permit displayed - two hundred fifty dollars (\$250.00). If a citation is issued to a person legally entitled to park in a designated handicapped zone, the fine shall be waived upon presentation of proof of a disabled parking permit at the police department.

(3) Stopping, standing, and parking in fire zone - not to exceed two hundred dollars (\$200.00).

(4) Immobilization fee:

a. 1st offense - not to exceed two hundred dollars (\$200.00).

b. 2nd offense within six (6) months - not to exceed three hundred dollars (\$300.00).

c. 3rd or subsequent offense within one (1) year - not to exceed five hundred dollars (\$500.00).

(5) Unlawfully displaying a vehicle for sale, hire, or rental (F.S. § 318.18(22)) - five hundred dollars (\$500.00).

(6) Administrative fee (F.S. § 318.18(19)) - twelve dollars and fifty cents (\$12.50).

(7) Other violations. The fine for any other violation of this article or provisions of the Florida Statutes pertaining to parking shall be \$100.00.

(8) Leaving vehicle with keys in ignition. The fine for leaving a parked vehicle while the keys remain in the ignition or in plain view within the vehicle from outside the vehicle shall be \$50.00.

SECTION 4. Chapter 66, Article II-B. “Paid Parking” of the City Code is hereby created as follows:

ARTICLE II-B. PAID PARKING

DIVISION 1. GENERALLY

Sec. 66-100. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Calendar days mean each day of the week, and include Saturdays, Sundays, and legal holidays. Thus, in computing any period of time prescribed or allowed by this chapter, the day of the act, event, or default from which the designated period of time begins to run shall not be included; however, the last day of the period so computed shall be included, even if it is a Saturday, Sunday or legal holiday, any provision of this Code to the contrary notwithstanding. If any period of time under this chapter is sought to be complied with by means of mailing, the date of actual receipt of the mail by the city, not the date of posting, shall be deemed the date of compliance.

Camera-enforced parking means any technological method of monitoring, recording, or enforcing parking regulations using photographic, electronic, or license plate recognition systems. Such systems may determine vehicle entry, exit, duration, and payment compliance through integration with physical meters, pay stations, web-based portals, or other City-approved methods. Payment for camera-enforced parking may be made by any approved method, including: (1) physical meter or pay-station equipment; (2) web-based portals accessible via posted QR codes or URLs; (3) mobile applications; or (4) any successor or combination of technologies authorized by City Council resolution. This definition does not limit the City to a single enforcement or payment method. The city shall determine the location of the camera enforced parking locations.

Delinquent status means the status of a parking violation invoice where payment is past due and includes the status of parking violation invoices that have not been paid, or for which a request for a parking violation hearing has not been made. A parking violation invoice which has been found to be in violation after a hearing shall be in delinquent status if not paid within the time period set. A violation set for a parking violation hearing which results in default shall immediately be in delinquent status. A parking violation invoice will remain in delinquent status until paid in full unless dismissed or found not to be a violation.

Digital or Web-Based Parking Zone means a parking area in which payment and enforcement are conducted through web-based or digital platforms integrated with camera and/or license plate recognition systems rather than solely through physical meters.

Habitual parking status means the status of any vehicle bearing a license plate that has been issued five (5) or more parking violation invoices for any violation of this chapter within the past three hundred sixty-five (365) calendar days.

Hearing officer means the code enforcement special magistrate assigned to hear parking violation hearings in accordance with the provisions of this article.

Parking enforcement officer means a person designated as a parking enforcement officer who has successfully completed a training program established and approved by the Florida Criminal Justice Standards and Training Commission.

Parking enforcement specialist means a city employee or authorized contractor empowered by the city to administer, monitor, verify, and enforce city parking regulations through meter and pay-station enforcement and camera-enforced or web-based systems utilizing license plate

recognition technology. Parking enforcement specialists may issue parking violation invoices via mail, validate photographic or electronic evidence, and prepare materials for hearings. Certification under the Florida Criminal Justice Standards and Training Commission is not required for employees/contractors performing such duties under city authority.

Parking meter means and includes any mechanical device, meter, or timed parking system not inconsistent with this section, placed or erected for the regulation of parking by the authority of this chapter.

Parking meter space means any space within the parking meter zone adjacent to a parking meter, device, or within a timed parking system zone, and which is duly designed for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

Parking meter zone means and includes any street, portions thereof, parking area or lot, upon which parking meters, devices, or timed parking systems are installed, or parking is regulated, which is in operation for the parking of vehicles for a limited time, subject to compliance with regulations.

Parking violation hearing means a hearing by a hearing officer in which an operator or owner of a vehicle bearing a license plate that has been issued parking violation invoice or notice of delinquent status may contest the issuance of a parking violation invoice or notice of delinquent status. Parking violation hearings shall provide the opportunity for testimony and evidence to be presented, and the rules of evidence shall be liberally construed to allow for the presentation of testimony and evidence. Parking violation hearings shall also be used by a person wishing to challenge the immobilization of a vehicle in a post-immobilization hearing under this article.

Sec. 66-101. Establishment of Paid Parking Areas.

The City may approve and designate parking meter zones, camera-enforced parking areas, and/or digital or web-based parking zones for paid parking.

Sec. 66-102. Placement of parking meters, devices, or timed parking systems.

(f) The marking off of individual parking spaces in the parking meter zone, and the installation of parking meters, devices or timed parking systems for such spaces, is hereby authorized, ratified, and confirmed. The placement of parking meters shall be in accordance with applicable city ordinances and/or resolutions. In camera enforced parking areas and/or digital or web-based parking zones the City may designate parking areas without individual marked spaces or physical meters. Parking sessions may be measured and enforced by vehicle entry, exit, and duration data rather than by individual meter devices.

(g) In any unmarked or unstriped areas, vehicles shall park in an orderly manner as directed by signage or web-based instructions.

Sec. 66-103. Parking meter deposit required; exceptions.

(a) Except in a period of emergency determined by an officer of the police or fire department, or in compliance with the direction of a police officer, police aide or traffic control sign or signal, when any vehicle shall be parked in any parking meter space alongside or next to which a parking meter or device is located or within a designated area controlled by a timed parking system, the operator of such vehicle, shall, upon entering said parking meter space, immediately deposit or cause to be deposited such proper payment as is required for said parking meter and as is designated by proper direction on the parking meter, device or timed parking system; and when required by the directions on the meter, device or timed parking system, the operator of such vehicle, after the deposit of the proper payment means as posted on the timed parking system meter or device, shall also set in operation the timing mechanism on such parking meter, device or timed parking system in accordance with directions properly appearing thereon; and failure to deposit such payment as posted, and to set the timing mechanism in operation when so required, shall constitute a violation of this section. Upon the deposit of such payment posted (and the setting of the timing mechanism in operation, when so required) the designated parking meter space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which said parking meter space is located; provided, that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit payment as posted so long as occupancy of said parking meter space does not exceed the indicated unused parking time. If said vehicle shall remain parked in any such parking meter space beyond the parking time limit set for such parking meter space, and if the parking meter, device or receipt from a timed parking system shall indicate such illegal parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time; and such parking shall be deemed a violation of this section.

(b) Where a physical parking meter or pay station is used, a subsequent parker may lawfully occupy a space that still shows remaining paid time, provided that the new parker does not exceed the remaining indicated time.

(c) In any digital or web-based parking zone, parking sessions are recorded and linked to the vehicle's license plate rather than to a specific space. Unused or remaining time from a previous vehicle does not transfer to another vehicle or user. Each new vehicle must initiate its own paid parking session upon entry.

Sec. 66-104. Cost; Charges by parking meter zones; acceptable currency.

(a) The cost of parking or standing a vehicle in a parking meter space located in a parking meter zone and/or in a digital or web-based zone shall be established by resolution.

(b) Parking meter zones and parking requirements, including the cost of parking, within the zones, shall be established by resolution.

(c) Payments may be made using lawful U.S. currency at any pay station or by any approved electronic means, including credit or debit card, web-based, or mobile transactions, as authorized by City Council resolution.

Sec. 66-105. Parking meter violations.

It shall be unlawful and a violation of the provisions of this section for any person:

- (1) To cause, allow, permit, or suffer any vehicle registered in his/her name or under his/her control to remain or be placed in any parking meter space controlled by any parking meter, device or timed parking system beyond the period prescribed for such parking space;
- (2) To cause, allow, permit, or suffer any vehicle registered in his/her name or under his/her control to be parked across any line or marking of a parking meter space or in such a position that the vehicle shall not be entirely within the area designated by such lines or markings;
- (3) To deface, injure, tamper with, open, break, destroy, or impair the usefulness of any parking meter, device, or timed parking system installed under the provisions of this section;
- (4) To deposit, or cause to be deposited, in any parking meter, device or timed parking system, any slugs, device or metal substance, or other substitute for lawful currency.
- (5) In digital or web-based parking zones and/or camera enforced parking areas, tampering with or disabling any equipment, signage, or camera system is likewise prohibited.

DIVISION 2. ENFORCEMENT

Sec. 66-120. Providing notice of violation; invoicing; enforcement; payment options; hearings.

- (a) Notice of violation under this article (Article II-A, Paid Parking) shall be provided through the issuance of a parking violation invoice.
- (b) Nothing herein shall be interpreted as preventing the enforcement of any violation of Florida Statutes or any City of Dunnellon Ordinance through other means of enforcement or in conjunction with any other enforcement methods including City Code.
- (c) The city may establish camera enforced parking to allow the capture of parking violations within the city as authorized under this section. Camera-enforced parking shall be permitted as follows:
 - (1) Camera-enforced parking violation penalties shall be the same as if enforced in person with the exception that administrative costs may be established by resolution and included with the penalties and included in the parking violation invoice.
 - (2) Camera-enforced parking areas must allow for at least a fifteen (15) minute grace period upon entry before any parking charges may be incurred, provided that the motor vehicle does not park at that time.
 - (3) The city shall identify any area in which camera-enforced parking occurs by placing signage that is legible and clearly visible to persons entering the area used for camera

enforced parking. Signs shall, at a minimum, include: identification of the City or its authorized operator; applicable rates and accepted payment methods (including any physical meters and/or web-based options); any grace period before charges or violations apply; notice that camera or license plate recognition enforcement may be used; contact information (phone and email) for inquiries and appeals; and instructions or website address for reviewing photographic or electronic evidence.

(4) Camera-enforced parking notices of violation must be placed on the motor vehicle as provided in this section or mailed by first-class mail within five (5) business days of the violation. A delinquency fee may not be assessed until expiration of the payment periods under this section. The mailing of the invoice constitutes notification.

(5) In addition to other required information under this section, camera-enforced parking violation invoices shall state that the registered owner has a right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The invoice must provide instructions for viewing the evidence of the violation.

(6) If the registered owner or co-owner of the motor vehicle, or the person designated as having care, custody, or control of the motor vehicle at the time of the violation, or an authorized representative thereof, initiates a proceeding to challenge the violation, such person waives any challenge or dispute as to the delivery of the camera-enforced parking invoice.

(7) The photographic or electronic image or streaming video of a camera-enforced parking violation is evidence that a violation occurred and is admissible in any proceeding to enforce the violation and raises a rebuttable presumption that the motor vehicle named in the parking violation invoice or shown in the photographic or electronic image or streaming video evidence was used in violation if it shows the clear entry and exit of the vehicle and violation of the grace period along with evidence being presented that payment was not made.

(8) Unless a parking notice of violation is placed on the vehicle, violations captured through camera-enforced parking will result in the issuance of a parking violation invoice to the registered owner of the motor vehicle involved in the violation by first-class mail to the address of the registered owner. In the case of joint ownership of a motor vehicle, the invoice shall be mailed to the first person appearing on the registration, unless the first name is a business organization, in which case the second name appearing on the registration may be used. The owner of a leased vehicle is not responsible for paying the camera-enforced parking invoice and is not required to submit an affidavit as provided in this article if the name on the registration is in the name of the lessee of such motor vehicle.

(9) For the issuance of invoice by mail, a law enforcement officer, parking enforcement officer, or parking enforcement specialist who discovers a vehicle parked in violation of this chapter via "non-payment" or other law may issue an invoice via mail to the vehicle owner as identified by the license plate number, vehicle identification number, or with other specificity to ensure the vehicle in violation can be identified and deliver the invoice to the vehicle's registered owner by mail.

(10) Parking violation invoices: May be issued by a law enforcement officer, parking enforcement officer, or parking enforcement specialist utilizing the following procedures along with any rules adopted by the city:

A. Verify a violation following review of the approved camera playback system/automated image capture, if camera enforced;

B. Verify the registered owner;

C. Confirm the date, time, location, and all required information is identified on a parking violation invoice; and

D. Issue a parking violation invoice as provided under this section.

Sec. 66-121. Issuance of parking violation invoices; payment or contesting parking violation invoices; requesting a review.

(a) A parking violation invoice shall provide:

(1) The date and time of the violation;

(2) The issuance date if different than the date and time of the violation;

(3) The name or identification number of the individual who issued the parking violation invoice;

(4) A description of the violation;

(5) The penalty amount;

(6) The period of time in which it must be paid or set for a parking violation hearing before it is considered in delinquent status;

(7) The vehicle information;

(8) Information on how and where the parking violation invoice may be paid;

(9) A photo of the tag captured and instructions for viewing photographic or electronic evidence online via the City-approved portal or website, if camera enforced; and

(10) Information on how the parking violation invoice may be contested.

(b) A person who wishes to contest a parking violation invoice without being assessed additional penalties or costs for delinquency shall complete and submit a written or electronic request using the City's form or online portal for a parking violation hearing which must be received by the City within fourteen (14) calendar days of the date of the violation. Upon such request, a notice of hearing will be issued, confirming the time and date of the hearing. A copy of the person's driver's license and vehicle registration, or other document acceptable to the city attorney's office, will be necessary to set a parking violation hearing. All contested parking violation hearings shall be heard by a hearing officer. The city shall send a notice of hearing which states:

(1) The date, time, and location of a pre-scheduled parking violation hearing; and

(2) That a person who elects to contest the parking violation invoice may be assessed a penalty if found in violation after a hearing by a hearing officer;

(3) That a person who elects to contest a parking violation invoice and then fails to appear at the parking violation hearing shall be deemed to have waived his or her right to a hearing and may be found in violation by default and subject to a penalty, unless otherwise authorized or prohibited by law;

(4) That unpaid violations will be in delinquent status and are subject to being sent to collections for payment;

(5) That vehicles bearing license plates which are identified as belonging to owners who have parking violation invoices in delinquent status are subject to immobilization or impoundment as provided in this chapter.

(c) The notice of hearing shall be sent by mail or e-mail to the person making the request for a parking violation hearing at the physical address or e-mail address provided in the request. A certification by the City that the notice of hearing was mailed to the physical address or e-mail address provided on a request for a parking violation hearing constitutes prima facie evidence that the person on the notice of hearing was served with the notice. Upon notification, the person requesting a parking violation hearing is required to comply with the directions on the notice of hearing or face a finding of violation due to default. Additional penalties or costs may be imposed by a hearing officer upon finding of a violation; however, a violation which was set for a parking violation hearing upon a timely requested parking violation hearing shall not be assessed fees for delinquency if timely paid after a finding of a violation.

(d) A person who requests a parking violation hearing waives his or her right to pay the initial civil penalty amounts set forth in this chapter unless the hearing is cancelled due to receipt of full payment prior to scheduled hearing. The hearing officer, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty unless otherwise authorized or prohibited by law, plus administrative costs.

(e) Preliminary review of a parking violation invoice may be conducted by the City's Code Enforcement Office or its authorized contractor per the City's direction.

Sec. 66-122. Vehicles parked in violation of regulations deemed nuisance; continuous parking in metered parking spaces; habitual parking status; liability of owners; notice of delinquent status; obtaining a parking violation hearing upon a notice of delinquent status.

(a) The owner of any vehicle shall be held responsible for any vehicle found upon a street or highway in violation of any provision of this article, or any ordinance(s) or executive order for emergency which regulates the stopping, standing, or parking of vehicles. Nothing contained in this chapter shall limit the ability of the city to seek other enforcement action as may be permitted in the Code nor limit the ability of the city to enjoin a nuisance. The City Code Enforcement Department may establish procedures to allow affidavits to be submitted as described in F.S. § 316.1967.

- (b) It is unlawful for any vehicle in violation of this article to remain in any lawful parking space for more than two (2) hours after a parking violation invoice has been issued for violation of any provision of this chapter. For continuous parking beyond each two (2) hour period, a new offense shall be deemed to have occurred and a parking violation invoice may be issued for each subsequent two (2) hour period. For areas enforced via camera-enforced or web-based systems, each additional unpaid parking period identified through automated data review may be treated as a separate violation.
- (c) It is unlawful to park a vehicle in violation of this chapter which is in habitual parking status. A vehicle meeting the qualifications of habitual parking status commits an additional violation under this subsection punishable by a penalty as outlined in this chapter and may be immediately immobilized, and if necessary impounded, as provided for under this article.
- (d) An owner of a vehicle for which a parking violation invoice is issued is deemed to be charged with a noncriminal civil infraction and the owner shall be deemed responsible for complying with the directions on parking violation invoice for paying or contesting the violation.
- (e) All parking violation invoices which have not been paid or set for a parking violation hearing as described in this chapter shall be deemed in delinquent status at the expiration of the fourteen (14) day time period, and the city shall send the owner of the vehicle that was issued a parking violation invoice a notice of delinquent status which states:
- (1) The parking violation invoice number, date, time, description, and amount of penalties to include the original amount of the penalty, the amount of penalties for delinquency, and administrative fees;
 - (2) The options for methods of payment of the parking violation invoice;
 - (3) The due date;
 - (4) The owner may still elect to contest a parking violation invoice and/or delinquent status at a parking violation hearing by appearing in front of a hearing officer who will hear testimony and consider evidence;
 - (5) The date, time, and location of a pre-scheduled parking violation hearing which must be confirmed along with the method for confirming the hearing;
 - (6) A copy of the owner's driver's license and vehicle registration shall be necessary to confirm a hearing date;
 - (7) That failure to pay the parking violation invoice or confirm the parking violation hearing by the date specified will be deemed as a waiver of the owner's right to contest the parking violation invoice and a finding of violation will be entered for the amount stated in the notice of delinquent status;
 - (8) That an owner who elects to contest the parking violation invoice waives his or her right to pay the penalty amount in the notice of delinquent status and the owner may be assessed a penalty if found in violation after a hearing by a hearing officer;
 - (9) That an owner who elects to contest a violation and then fails to appear shall be deemed to have waived his or her right to a hearing and may be found in violation by default subject to a penalty;

(10) That unpaid violations shall remain in delinquent status and are subject to being sent to collections for payment;

(11) That any vehicle(s) bearing a license plate identified as belonging to owners who have parking violation invoices in delinquent status are subject to immobilization or impoundment as provided in this chapter.

(f) The notice of delinquent status may be mailed by the City or its authorized contractor. Mailing constitutes proper notification.

(g) Any owner who fails to satisfy the directive on the notice of delinquent status may be assessed additional penalties or costs by a hearing officer.

(h) An owner who wants to contest a notice of delinquent status without being assessed additional penalties or costs for delinquency shall confirm the parking violation hearing as instructed in the notice of delinquent status within fourteen (14) calendar days from the date of the notice of delinquent status. A copy of the owner's driver's license and vehicle registration will be necessary to confirm a hearing date.

(i) A finding of violation occurs when a parking violation invoice is unpaid, not contested after notice of violation, in default, or after a hearing by a hearing officer results in a finding of violation. All findings of violations are considered an adjudication on the merits.

Sec. 66-123. Cancellation or continuances of hearings; burden of proof; payment after hearing.

(a) A scheduled parking violation hearing shall be cancelled if full payment of the pending parking violation invoice(s) is received prior to the hearing date. A person wanting to continue a parking violation hearing date shall deliver a written request for continuance to the city at least seventy-two (72) hours prior to the hearing date and shall be granted one continuance for a scheduled parking violation hearing of a contested parking violation invoice or post-immobilization hearing. City staff shall administratively establish the procedure for delivery of a written request for a continuance and for providing notice of the rescheduled parking violation hearing time and date.

(b) A violation shall be proven at a hearing by a preponderance of the evidence.

(c) A finding of violation requires all penalties and costs to be paid within fourteen (14) calendar days of the finding unless additional time is granted by the hearing officer or the city.

(d) Failure to pay outstanding penalties or costs after a finding of a violation at a hearing shall result in the parking violation invoice being in delinquent status if not paid within the time period allowed.

Sec. 66-124. Relocation, immobilization, and impoundment.

(a) Any police officer of the city is authorized to attach a device that is capable of immobilizing a motor vehicle so that it cannot be moved under its own power without damage to such motor vehicle, when three or more parking violation invoices have been outstanding for more than 30 days and have not been disposed of by payment of the fines as provided by this article.

- (b) The immobilizing device shall be attached to the motor vehicle at the place where it is found, except that no motor vehicle shall be immobilized within the traveled portion of any street or any portion of a street when immobilization at such place would create a hazard to the public or to traffic on the street. At the same time as the immobilizing device is attached to the motor vehicle, a notice shall be affixed to the windshield or other prominent place on the motor vehicle stating that the immobilizing device has been so attached, cautioning the operator not to attempt to operate the motor vehicle while the immobilizing device has been so attached, and informing the owner or operator of the motor vehicle of the number and age of, and total fines and charges assessable under, the parking violation invoices for which the motor vehicle is immobilized, including the removal charge for the removal of the immobilizing device, and where the owner must go in order to pay the fines and charges and have the immobilizing device removed from the motor vehicle.
- (c) The immobilizing device shall be removed from the motor vehicle upon payment of the total fines and late payment charges assessed against the owner of the vehicle. The police officer may approve the removal of the immobilizing device upon obtaining satisfactory arrangements for the stated fines and late charges or upon the owner posting bond for a hearing.
- (d) The police officer may tow or cause to be towed and impound any motor vehicle immobilized under this article if payment for fines and late payments or satisfactory arrangements in lieu thereof have not been paid or obtained within 24 hours of the attaching of the immobilizing device. All expenses for towing or impounding shall be borne by the owner of the vehicle.

Sec. 66-125. Establishment of post-immobilization hearings.

- (a) The registered owner or co-owner of the motor vehicle, or the person designated as having care, custody, or control of the motor vehicle at the time of the violation, or an authorized representative thereof, wishing to challenge the immobilization of a vehicle pursuant to this chapter shall be entitled to a post-immobilization hearing before a hearing officer. Post-immobilization hearings shall be handled on the same date and time as parking violation hearings. A person who wishes to contest an immobilization without being assessed additional penalties or costs for impoundment shall post a bond for the entire amount in dispute with the city prior to impoundment and complete and submit a written request for post-immobilization hearing which must be received by the city prior to the impoundment. A request for post-immobilization after impoundment will require all parking penalties and impound fees paid in order to request a hearing. The payment of parking fees will be considered a bond pending a hearing. A bond may be posted for impound fees in accordance with F.S. § 713.78(5). A request for a post-immobilization hearing after impoundment must be received by the city at the time of the payment of the bond for the parking penalties in dispute which led to the immobilization. A request for a post-immobilization hearing shall be on the form provided by the city. Requests shall include a complete name and address of the person requesting a hearing, and if available, a phone number and e-mail address. A description of the dispute must be included with the request for a hearing. Upon such request, a notice of hearing shall be issued, confirming the time and date of the hearing. A copy of the person's driver's license and vehicle registration will be necessary to schedule a post-

immobilization hearing. All contested hearings shall be heard by a hearing officer who hears parking violation hearings. The city shall send a notice of hearing which states:

(1) The date, time, and location of a pre-scheduled post-immobilization hearing;

(2) That a person who elects to contest the parking violation invoice waives his or her right to pay the initial amount due at the time of the immobilization unless a bond was posted and the person will accrue additional penalties and costs for the impoundment of the vehicle until a hearing is held and a determination is made as to whether the vehicle was immobilized in accordance with city code;

(3) That a person who elects to contest a violation and then fails to appear shall be deemed to have waived his or her right to a hearing and any bond posted with the city will be forfeited to the city; and

(4) That any vehicles which are impounded after immobilization are subject to liens in accordance with F.S. § 713.78.

(b) The notice of hearing shall be sent by mail or e-mail to the person making the request for a post-immobilization hearing to the physical address or e-mail address provided in the request. A certification by the city that the notice of hearing was mailed to the physical address or e-mail address provided on a post-immobilization request constitutes prima facie evidence that the person on the notice of hearing was served with the notice. Upon notification, the person wanting a post-immobilization hearing is required to comply with the directions on the notice of hearing or waive his or her right to challenge the immobilization.

(c) A person who requests a post-immobilization hearing waives his or her right to pay the initial penalty and costs due as of the date of the immobilization unless a bond was posted. After the hearing, the hearing officer shall determine whether an immobilization was done in accordance with this chapter. If the hearing officer determines that the immobilization carried out by the city pursuant to this chapter was not in accordance with the applicable ordinances, statutes and regulations, the aggrieved party shall be entitled to a reimbursement of any bond, fines, costs or penalties paid related to the contested immobilization or if the vehicle is still impounded, the vehicle shall be immediately released with the city bearing the costs for the tow fees.

SECTION 5. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 6. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 7. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word “Ordinance,” or similar words, may be changed to “Section,” “Article,” or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption.

Upon motion duly made and carried, the foregoing ordinance was adopted on the first reading on the ____ day of _____ 202_.

Upon motion duly made and carried, the foregoing ordinance was adopted on the second and final reading on the ____ day of _____ 202_.

Ordinance Posted on the City’s website on _____, 202_. Public hearing advertised on the City’s website on _____ and advertised in the Riverland News on _____.

Walter L. Green, Mayor

Attest:

Amanda L. Odom, CMC
City Clerk

EXHIBIT “A”

ARTICLE II. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

~~Sec. 66-31. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Calendar days* mean each day of the week, and include Saturdays, Sundays, and legal holidays. Thus, in computing any period of time prescribed or allowed by this chapter, the day of the act, event, or default from which the designated period of time begins to run shall not be included; however, the last day of the period so computed shall be included, even if it is a Saturday, Sunday or legal holiday, any provision of this Code to the contrary notwithstanding. If any period of time under this chapter is sought to be complied with by means of mailing, the date of actual receipt of the mail by the city, not the date of posting, shall be deemed the date of compliance.~~

~~*Camera-enforced parking* means any technological method of monitoring, recording, or enforcing parking regulations using photographic, electronic, or license plate recognition systems. Such systems may determine vehicle entry, exit, duration, and payment compliance through integration with physical meters, pay stations, web-based portals, or other City approved methods. Payment for camera-enforced parking may be made by any approved method, including: (1) physical meter or pay station equipment; (2) web-based portals accessible via posted QR codes or URLs; (3) mobile applications; or (4) any successor or combination of technologies authorized by City Council resolution. This definition does not limit the City to a single enforcement or payment method. The city shall determine the location of the camera-enforced parking locations.~~

~~*Delinquent status* means the status of a ticket or parking violation invoice where payment is past due and includes the status of tickets or parking violation invoices that have not been paid, or for which a request for a parking violation hearing has not been made. A ticket or parking violation invoice which has been found to be in violation after a hearing shall be in delinquent status if not paid within the time period set. A violation set for a parking violation hearing which results in default shall immediately be in delinquent status. A ticket or parking violation invoice will remain in delinquent status until paid in full unless dismissed or found not to be a violation.~~

~~*Digital or Web-Based Parking Zone* means a parking area in which payment and enforcement are conducted through web-based or digital platforms integrated with camera and/or license plate recognition systems rather than solely through physical meters.~~

~~*Habitual parking status* means the status of any vehicle bearing a license plate that has been issued five (5) or more parking tickets or parking violation invoices for any violation of this chapter within the past three hundred sixty-five (365) calendar days.~~

~~*Fire zone* means an area designated as such that is reserved solely for vehicles of the fire department or any firefighting organization, the police department, the public services department, or any other public service or public utilities vehicles used to combat a fire.~~

~~*Hearing officer* means the code enforcement special magistrate assigned to hear parking violation hearings and challenges to parking tickets, citations, parking violation invoices, and immobilization of vehicles in accordance with the provisions of this chapter.~~

~~*No parking zone* means an area designated as such where no vehicle may be parked, except public vehicles in an emergency.~~

~~*Overtime parking* means parking a vehicle in a nonmetered space and allowing the vehicle to remain in such parking space beyond the period of time fixed by any traffic signs for such space.~~

~~*Parking enforcement officer* means a person designated as a parking enforcement officer who has successfully completed a training program established and approved by the Florida Criminal Justice Standards and Training Commission.~~

~~*Parking enforcement specialist* means a city employee or authorized contractor empowered by the city to administer, monitor, verify, and enforce city parking regulations through meter and pay station enforcement and camera-enforced or web-based systems utilizing license plate recognition technology. Parking enforcement specialists may issue parking violation invoices via mail, validate photographic or electronic evidence, and prepare materials for hearings. Certification under the Florida Criminal Justice Standards and Training Commission is not required for employees/contractors performing such duties under city authority.~~

~~*Parking meter* means and includes any mechanical device, meter, or timed parking system not inconsistent with this section, placed or erected for the regulation of parking by the authority of this chapter.~~

~~*Parking meter space* means any space within the parking meter zone adjacent to a parking meter, device, or within a timed parking system zone, and which is duly designed for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.~~

~~*Parking meter zone* means and includes any street, portions thereof, parking area or lot, upon which parking meters, devices, or timed parking systems are installed, or parking is regulated, which is in operation for the parking of vehicles for a limited time, subject to compliance with regulations.~~

~~*Parking violation hearing* means a hearing by a hearing officer in which an operator or owner of a vehicle bearing a license plate that has been issued a ticket or parking violation invoice or an owner of a vehicle who was issued a notice of default status may contest the issuance of a parking~~

~~ticket, parking violation invoice, or notice of default status. Parking violation hearings shall provide the opportunity for testimony and evidence to be presented, and the rules of evidence shall be liberally construed to allow for the presentation of testimony and evidence. Parking violation hearings shall also be used by a person wishing to challenge the immobilization of a vehicle in a post immobilization hearing.~~

~~Sec. 66-32. State statutes adopted.~~

~~The provisions of F.S. §§ 316.1945, 316.195, 316.1951, 316.1955, 316.1957, 316.1958, 316.1959, 316.1965, 316.1967, 316.1974, and 316.1975, as such statutes pertain to parking violations, are hereby adopted and incorporated in this article by reference. Any violation of these statutes is considered as a violation of this chapter.~~

~~Sec. 66-33. Establishment of parking zones.~~

~~The city may approve parking zones parking meter zones, camera enforced parking areas, and/or digital or web-based parking zones regulating the place and duration of parking on parking areas, lots, streets, and rights of way of the city.~~

~~Sec. 66-34. Parking prohibited on certain areas, lots, streets, or rights of way.~~

~~When signs are erected giving notice thereof, no person shall at any time park a vehicle upon any so designated and posted parking area, lot, street or right of way of the city.~~

~~Sec. 66-35. Parking prohibited on one side of certain streets and/or rights of way.~~

~~When signs are erected giving notice thereof, no person shall at any time park a vehicle on the prohibited side of any so designated and posted street and/or right of way of the city.~~

~~Sec. 66-36. Parking prohibited during certain hours.~~

~~When signs are erected giving notice thereof, no person shall park a vehicle between the hours specified upon any so posted or designated parking area, lot, street, or right of way of the city.~~

~~Sec. 66-37. Reserved.~~

~~Sec. 66-38. Parking in restricted zone; parking for certain purposes prohibited.~~

~~(a) No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose for which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such a zone for the purpose of and while actually engaged in the loading or unloading of passengers when such stopping~~

~~does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose for which parking is restricted.~~

~~(b) No person shall park a vehicle upon any parking area, lot, street, or right-of-way of the city, for the principal purpose of:~~

~~(1) Displaying a vehicle for sale.~~

~~(2) Washing, greasing or repairing the vehicle, except repairs necessitated by an emergency.~~

~~(3) Displaying signage.~~

~~(4) Selling merchandise from the vehicle, except in a duly established marketplace or when so authorized or licensed under this Code or any other city ordinance.~~

~~(5) Storage or as junk or dead storage for more than 24 hours.~~

~~(6) Soliciting orders for or from which goods are to be sold directly to the customer; however, this subsection shall not apply to vehicles of dealers where the vehicles are parked temporarily for the purpose of soliciting orders from, or sale to, the occupants of the immediate premises only.~~

~~Sec. 66-39. Placement of parking meters, devices or timed parking systems.~~

~~The marking off of individual parking spaces in the parking meter zone, and the installation of parking meters, devices or timed parking systems for such spaces, is hereby authorized, ratified, and confirmed. The placement of parking meters shall be in accordance with applicable city ordinances and/or resolutions. In camera enforced parking areas and/or digital or web-based parking zones the City may designate parking areas without individual marked spaces or physical meters. Parking sessions may be measured and enforced by vehicle entry, exit, and duration data rather than by individual meter devices.~~

~~Sec. 66-40. Parking meter deposit required; exceptions.~~

~~(d) Except in a period of emergency determined by an officer of the police or fire department, or in compliance with the direction of a police officer, police aide or traffic control sign or signal, when any vehicle shall be parked in any parking meter space alongside or next to which a parking meter or device is located or within a designated area controlled by a timed parking system, the operator of such vehicle, shall, upon entering said parking meter space, immediately deposit or cause to be deposited such proper payment as is required for said parking meter and as is designated by proper direction on the parking meter, device or timed parking system; and when required by the directions on the meter, device or timed parking system, the operator of such vehicle, after the deposit of the proper payment means as posted on the timed parking system meter or device, shall also set in operation the timing mechanism on such parking meter, device or timed parking system in accordance with directions properly appearing thereon; and failure to deposit such payment as posted, and to set the timing mechanism in operation when so required, shall constitute a violation of this section. Upon the deposit of such payment posted (and the setting of the timing mechanism in operation, when so required) the designated parking~~

~~meter space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which said parking meter space is located; provided, that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit payment as posted so long as occupancy of said parking meter space does not exceed the indicated unused parking time. If said vehicle shall remain parked in any such parking meter space beyond the parking time limit set for such parking meter space, and if the parking meter, device or receipt from a timed parking system shall indicate such illegal parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time; and such parking shall be deemed a violation of this section.~~

~~(e) Where a physical parking meter or pay station is used, a subsequent parker may lawfully occupy a space that still shows remaining paid time, provided that the new parker does not exceed the remaining indicated time.~~

~~(f) In any digital or web-based parking zone, parking sessions are recorded and linked to the vehicle's license plate rather than to a specific space. Unused or remaining time from a previous vehicle does not transfer to another vehicle or user. Each new vehicle must initiate its own paid parking session upon entry.~~

~~Sec. 66-41. Cost; Charges by parking meter zones; acceptable currency.~~

~~(a) The cost of parking or standing a vehicle in a parking meter space located in a parking meter zone and/or in a digital or web-based zone shall be established by resolution.~~

~~(b) Parking meter zones and parking requirements, including the cost of parking, within the zones, shall be established by resolution.~~

~~(c) Payments may be made using lawful U.S. currency at any pay station or by any approved electronic means, including credit or debit card, web-based, or mobile transactions, as authorized by City Council resolution.~~

~~Sec. 66-42. Parking meter violations.~~

~~It shall be unlawful and a violation of the provisions of this section for any person:~~

~~(1) To cause, allow, permit, or suffer any vehicle registered in his/her name or under his/her control to remain or be placed in any parking meter space controlled by any parking meter, device or timed parking system beyond the period prescribed for such parking space;~~

~~(2) To cause, allow, permit or suffer any vehicle registered in his/her name or under his/her control to be parked across any line or marking of a parking meter space or in such a position that the vehicle shall not be entirely within the area designated by such lines or markings;~~

- ~~(3) To deface, injure, tamper with, open, break, destroy or impair the usefulness of any parking meter, device or timed parking system installed under the provisions of this section;~~
- ~~(4) To deposit, or cause to be deposited, in any parking meter, device or timed parking system, any slugs, device or metal substance, or other substitute for lawful currency.~~
- ~~(5) In digital or web-based parking zones and/or camera-enforced parking areas, tampering with or disabling any equipment, signage, or camera system is likewise prohibited.~~

~~Sec. 66-43. Improper parking: parking within designated spaces, streets and right-of-way.~~

- ~~(h) Any vehicle stopped, standing, or parked in or alongside a parking space as designated pursuant to this chapter shall park within the lines or markings designating such parking space. It is unlawful to park any vehicle in any such way that the same shall not be within the area so designated by such lines, delineations, markings, or sign post that corresponds with the parking space. The front bumper of the vehicle must be even with the lines, markings, or sign post that corresponds with the parking space or in close proximity thereto without parking beyond the established parking space, post or sign.~~
- ~~(i) No person shall park a vehicle in a street of the city other than parallel with the edge of the curb or paved roadway headed in the direction of lawful traffic movement, and with the curb side wheels of the vehicle within 12 inches of the curb or paved edge of the roadway, except, upon those portions of streets which have been marked, signed or metered for angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or sign with the right front wheel against the curb. All vehicles shall be parked within the lined space provided for parking. All vehicles shall only be parked in a space designated as a zone which allows parking by the particular vehicle, and shall not park in a space which disallows parking by the particular vehicle.~~
- ~~(j) A vehicle shall not occupy more than a single designated parking space.~~
- ~~(k) It is unlawful to park in a street or within the right-of-way except in designated parking spaces or parking lanes.~~
- ~~(l) In unmarked or unstriped camera-enforced areas, vehicles shall park in an orderly manner as directed by signage or web-based instructions.~~

~~Sec. 66-44. Leaving keys in ignition in parked vehicle.~~

~~No person shall leave a parked vehicle unattended while allowing the keys to remain in the ignition of the vehicle or in plain view within the vehicle from outside the vehicle.~~

~~SECTION 3: Chapter 66, Article II, Division 2 of the City's Code of Ordinances is hereby deleted in its entirety (a copy of the deleted provisions is provided in Exhibit "A" attached hereto) and replaced as follows:~~

~~ARTICLE II. STOPPING, STANDING AND PARKING~~

~~DIVISION 2. ENFORCEMENT~~

~~Sec. 66-101. Enforcement, in general.~~

~~Enforcement of parking violations, and impoundment and immobilization of vehicles as provided herein serves a municipal purpose. Article VIII, section 2(b) of the Florida Constitution along with F.S. § 166.021, gives municipalities "home rule" powers. Article V, Section 1 of the Florida Constitution along with F.S. Ch. 162, empowers local governments to use local code enforcement boards or special magistrates. F.S. Ch. 316, provides the city with original jurisdiction over all streets and highways, except state roads, and allows for the placement of traffic control devices. In addition, F.S. Ch. 316, provides local jurisdictions with the authority to regulate specified activities on streets and highways to include, but not be limited to, parking and restricting the use of the streets. Municipalities are expressly authorized to regulate the parking of motor vehicles for any purpose with respect to streets, highways, or other property under the jurisdiction of the municipality. It is the intent of this chapter to regulate and enforce the enumerated areas within which the city may control certain traffic movements or parking within the jurisdiction of the City of Dunnellon as provided under F.S. Ch. 316, which shall be supplemental to any provisions of this chapter, but nothing herein shall be in conflict with F.S. Ch. 316. Unless otherwise specified, the regulation and disposition of violations of this chapter shall be enforced by using a hearing officer as defined herein. Nothing in this chapter shall limit the City's authority to employ multiple parking enforcement or payment methods concurrently. All such methods shall have equal force and effect under this Code.~~

~~Sec. 66-102. Providing notice of violation; citation and invoicing; enforcement; payment options; hearings.~~

- ~~(a) Notice of violation under this chapter shall be provided through the issuance of a parking ticket or a parking violation invoice.~~
- ~~(b) Parking tickets may be issued by a law enforcement officer or parking enforcement officer who discovers a vehicle parked in violation of this chapter or F.S. Ch. 316. Parking tickets are to be on a form approved by the city and issued to a vehicle as identified by the license plate number, vehicle identification number, or with other specificity to ensure the vehicle in violation can be identified. Parking tickets may be delivered to the person determined to be operating or in control of the vehicle if attended; or if the vehicle is unattended, attached to the vehicle in a conspicuous place.~~
- ~~(c) Uniform traffic citations prepared by the Florida Department of Highway Safety and Motor Vehicles may not be issued by being attached to an unattended vehicle. A uniform traffic citation shall not be used for a parking violation of the Code.~~
- ~~(d) Nothing herein shall be interpreted as preventing the enforcement of any violation of Florida Statutes or any City of Dunnellon Ordinance through other means of enforcement or in conjunction with any other enforcement methods including City Code.~~

- ~~(e) The city may establish camera enforced parking to allow the capture of parking violations within the city as authorized under this section. Camera enforced parking shall be permitted as follows:~~
- ~~(1) Camera enforced parking violation penalties shall be the same as if enforced in person with the exception that administrative costs may be established by resolution and included with the penalties and included in the parking violation invoice.~~
 - ~~(2) Camera enforced parking areas must allow for at least a fifteen (15) minute grace period upon entry before any parking charges may be incurred, provided that the motor vehicle does not park at that time.~~
 - ~~(3) The city shall identify any area in which camera enforced parking occurs by placing signage that is legible and clearly visible to persons entering the area used for camera enforced parking. Signs shall, at a minimum, include: identification of the City or its authorized operator; applicable rates and accepted payment methods (including any physical meters and/or web-based options); any grace period before charges or violations apply; notice that camera or license plate recognition enforcement may be used; contact information (phone and email) for inquiries and appeals; and instructions or website address for reviewing photographic or electronic evidence.~~
 - ~~(4) Camera enforced parking notices of violation must be placed on the motor vehicle as provided in this section or mailed by first class mail within five (5) business days of the violation. A delinquency fee may not be assessed until expiration of the payment periods under this section. The mailing of the invoice constitutes notification.~~
 - ~~(5) In addition to other required information under this section, camera parking enforced invoices shall state that the registered owner has a right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The invoice must provide instructions for viewing the evidence of the violation.~~
 - ~~(6) If the registered owner or co-owner of the motor vehicle, or the person designated as having care, custody, or control of the motor vehicle at the time of the violation, or an authorized representative thereof, initiates a proceeding to challenge the violation, such person waives any challenge or dispute as to the delivery of the camera enforced parking invoice.~~
 - ~~(7) The photographic or electronic image or streaming video of a camera enforced parking violation is evidence that a violation occurred and is admissible in any proceeding to enforce the violation and raises a rebuttable presumption that the motor vehicle named in the parking violation invoice or shown in the photographic or electronic image or streaming video evidence was used in violation if it shows the clear entry and exit of the vehicle and violation of the grace period along with evidence being presented that payment was not made.~~
 - ~~(8) Unless a parking notice of violation is placed on the vehicle, violations captured through camera enforced parking will result in the issuance of a parking violation invoice to the registered owner of the motor vehicle involved in the violation by first class mail to the address of the registered owner. In the case of joint ownership of a motor vehicle, the~~

~~invoice shall be mailed to the first person appearing on the registration, unless the first name is a business organization, in which case the second name appearing on the registration may be used. The owner of a leased vehicle is not responsible for paying the camera-enforced parking invoice and is not required to submit an affidavit as provided in the chapter if the name on the registration is in the name of the lessee of such motor vehicle.~~

- ~~(9) For the issuance of tickets and citations in person, a law enforcement officer or parking enforcement officer who discovers a vehicle parked in violation of this chapter or other law may issue a parking ticket form as may be used by the city to a vehicle as identified by the license plate number, vehicle identification number, or with other specificity to ensure the vehicle in violation can be identified and deliver it to the driver; or if the vehicle is unattended, attach such ticket to the vehicle in a conspicuous place, except that a uniform traffic citation prepared by the Florida Department of Highway Safety and Motor Vehicles may not be issued by being attached to an unattended vehicle. A uniform traffic citation shall not be used for a parking violation of the Code.~~
- ~~(10) For the issuance of invoice by mail, a law enforcement officer, parking enforcement officer, or parking enforcement specialist who discovers a vehicle parked in violation of this chapter via "non-payment" or other law may issue an invoice via mail to the vehicle owner as identified by the license plate number, vehicle identification number, or with other specificity to ensure the vehicle in violation can be identified and deliver the invoice to the vehicle's registered owner by mail.~~
- ~~(11) Parking violation invoices: May be issued by a law enforcement officer, parking enforcement officer, or parking enforcement specialist utilizing the following procedures along with any rules adopted by the city:
 - ~~A. Verify a violation following review of the approved camera playback system/automated image capture;~~
 - ~~B. Verify the registered owner;~~
 - ~~C. Confirm the date, time, location and all required information is identified on a parking violation invoice; and~~
 - ~~D. Issue a parking violation invoice as provided under this section.~~~~

~~Sec. 66-103. Issuance of parking ticket, citations, or parking violation invoices; payment or contesting tickets, citations or parking violation invoices; requesting a review.~~

~~(a) A parking ticket and/or parking violation invoice shall provide:~~

- ~~(1) The date and time of the violation;~~
- ~~(2) The issuance date if different than the date and time of the violation;~~
- ~~(3) The name or identification number of the individual who issued the ticket or parking violation invoice;~~
- ~~(4) A description of the violation;~~

- ~~(5) The penalty amount;~~
 - ~~(6) The period of time in which it must be paid or set for a parking violation hearing before it is considered in delinquent status;~~
 - ~~(7) The vehicle information;~~
 - ~~(8) Information on how and where the ticket or parking violation invoice may be paid;~~
 - ~~(9) A photo of the tag captured and instructions for viewing photographic or electronic evidence online via the City-approved portal or website, if camera enforced; and~~
 - ~~(10) Information on how the ticket or parking violation invoice may be contested.~~
- ~~(c) A person who wishes to contest a ticket or parking violation invoice without being assessed additional penalties or costs for delinquency shall complete and submit a written or electronic request using the City's form or online portal for a parking violation hearing which must be received by the City within fourteen (14) calendar days of the date of the violation. Upon such request, a notice of hearing will be issued, confirming the time and date of the hearing. A copy of the person's driver's license and vehicle registration, or other document acceptable to the city attorney's office, will be necessary to set a parking violation hearing. All contested parking violation hearings shall be heard by a hearing officer. The city shall send a notice of hearing which states:~~
- ~~(1) The date, time, and location of a pre-scheduled parking violation hearing; and~~
 - ~~(2) That a person who elects to contest the ticket or parking violation invoice may be assessed a penalty if found in violation after a hearing by a hearing officer;~~
 - ~~(3) That a person who elects to contest a ticket or parking violation invoice and then fails to appear at the parking violation hearing shall be deemed to have waived his or her right to a hearing and may be found in violation by default subject to a penalty), unless otherwise authorized or prohibited by law;~~
 - ~~(4) That unpaid violations will be in delinquent status and are subject to being sent to collections for payment;~~
 - ~~(5) That vehicles bearing license plates which are identified as belonging to owners who have tickets or parking violation invoices in delinquent status are subject to immobilization or impoundment as provided in this chapter.~~
- ~~(d) The notice of hearing shall be sent by mail or e-mail to the person making the request for a parking violation hearing at the physical address or e-mail address provided in the request. A certification by the City that the notice of hearing was mailed to the physical address or e-mail address provided on a request for a parking violation hearing constitutes prima facie evidence that the person on the notice of hearing was served with the notice. Upon notification, the person requesting a parking violation hearing is required to comply with the directions on the notice of hearing or face a finding of violation due to default. Additional penalties or costs may be imposed by a hearing officer upon finding of a violation; however, a violation which was set for a parking violation hearing upon a timely requested parking violation hearing shall not be assessed fees for delinquency if timely paid after a finding of a violation.~~

- ~~(e) A person who requests a parking violation hearing waives his or her right to pay the initial civil penalty amounts set forth in this chapter. The hearing officer, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty unless otherwise authorized or prohibited by law, plus administrative costs.~~
- ~~(f) Preliminary review of a notice of tickets, citations, or parking violation invoices may be conducted by the City's Code Enforcement Office or its authorized contractor per the City's direction.~~

~~Sec. 66-104. Vehicles parked in violation of regulations deemed nuisance; continuous parking in metered parking spaces; habitual parking status; liability of owners; notice of delinquent status; obtaining a parking violation hearing upon a notice of delinquent status.~~

- ~~(a) The owner of any vehicle shall be held responsible for any vehicle found upon a street or highway in violation of any provision of this chapter, or any ordinance(s) or executive order for emergency which regulates the stopping, standing or parking of vehicles. Nothing contained in this chapter shall limit the ability of the city to seek other enforcement action as may be permitted in the Code nor limit the ability of the city to enjoin a nuisance.~~
- ~~(b) It is unlawful for any vehicle in violation of this chapter to remain in any lawful parking space for more than two (2) hours after a ticket or parking violation invoice has been issued for violation of any provision of this chapter. For continuous parking beyond each two (2) hour period, a new offense shall be deemed to have occurred and a notice of violation may be issued for each subsequent two (2) hour period. For areas enforced via camera enforced or web-based systems, each additional unpaid parking period identified through automated data review may be treated as a separate violation.~~
- ~~(c) It is unlawful to park a vehicle in violation of this chapter which is in habitual parking status. A vehicle meeting the qualifications of habitual parking status commits an additional violation under this subsection punishable by a penalty as outlined in this chapter and shall be immediately immobilized, and if necessary impounded, as provided for under this chapter.~~
- ~~(d) Any vehicle issued a ticket or parking violation invoice is deemed to be charged with a noncriminal civil infraction and the owner shall be deemed responsible for complying with the directions on the ticket or parking violation invoice for paying or contesting the violation.~~
- ~~(e) All tickets or parking violation invoices which have not been paid or set for a parking violation hearing as described in this chapter shall be deemed in delinquent status at the expiration of the fourteen (14) day time period, and the city shall send the owner of the vehicle that was issued a ticket or parking violation invoice a notice of delinquent status which states:
 - ~~(1) The ticket or parking violation invoice number, date, time, description, and amount of penalties to include the original amount of the penalty, the amount of penalties for delinquency, and administrative fees;~~
 - ~~(2) The options for methods of payment of the ticket or parking violation invoice;~~
 - ~~(3) The due date;~~~~

- ~~(4) The owner may still elect to contest a ticket, parking violation invoice, and/or delinquent status at a parking violation hearing by appearing in front of a hearing officer who will hear testimony and consider evidence;~~
- ~~(5) The date, time, and location of a pre-scheduled parking violation hearing which must be confirmed along with the method for confirming the hearing;~~
- ~~(6) A copy of the owner's driver's license and vehicle registration shall be necessary to confirm a hearing date;~~
- ~~(7) That failure to pay the ticket, parking violation invoice, or confirm the parking violation hearing by the date specified will be deemed as a waiver of the owner's right to contest the ticket or parking violation invoice and a finding of violation will be entered for the amount stated in the notice of delinquent status;~~
- ~~(8) That an owner who elects to contest the ticket or parking violation invoice waives his or her right to pay the penalty amount in the notice of delinquent status and the owner may be assessed a penalty if found in violation after a hearing by a hearing officer;~~
- ~~(9) That an owner who elects to contest a violation and then fails to appear shall be deemed to have waived his or her right to a hearing and may be found in violation by default subject to a penalty;~~
- ~~(10) That unpaid violations shall remain in delinquent status and are subject to being sent to collections for payment;~~
- ~~(11) That any vehicle(s) bearing a license plate identified as belonging to owners who have tickets or parking violation invoices in delinquent status are subject to immobilization or impoundment as provided in this chapter.~~
- ~~(f) The notice of delinquent status may be mailed by the City or its authorized contractor. Mailing constitutes proper notification.~~
- ~~(g) Any owner who fails to satisfy the directive on the notice of delinquent status may be assessed additional penalties or costs by a hearing officer.~~
- ~~(h) An owner who wants to contest a ticket, parking violation invoice, or notice of delinquent status without being assessed additional penalties or costs for delinquency shall confirm the parking violation hearing as instructed in the notice of delinquent status within fourteen (14) calendar days from the date of the notice of delinquent status. A copy of the owner's driver's license and vehicle registration will be necessary to confirm a hearing date.~~
- ~~(i) A finding of violation occurs when a parking ticket or parking violation invoice is paid, not contested after notice of violation, in default, or after a hearing by a hearing officer results in a finding of violation. All findings of violations are considered an adjudication on the merits.~~

~~Sec. 66-105. Cancellation or continuances of hearings; burden of proof; payment after hearing.~~

- ~~(a) A scheduled parking violation hearing shall be cancelled if full payment of the pending violation(s) is received prior to the hearing date. A person wanting to continue a parking violation hearing date shall deliver a written request for continuance to the city at least seventy-two (72) hours prior to the hearing date and shall be granted one continuance for a~~

~~scheduled parking violation hearing of a contested ticket, parking violation invoice, or post-immobilization hearing. City staff shall administratively establish the procedure for delivery of a written request for a continuance and for providing notice of the rescheduled parking violation hearing time and date.~~

- ~~(b) A violation shall be proven at a hearing by a preponderance of the evidence.~~
- ~~(c) A finding of violation requires all penalties and costs to be paid within fourteen (14) calendar days of the finding unless additional time is granted by the hearing officer or the city.~~
- ~~(d) Failure to pay outstanding penalties or costs after a finding of a violation at a hearing shall result in the ticket or parking violation invoice being in delinquent status if not paid within the time period allowed.~~

~~Sec. 66-106. Relocation, immobilization, impoundment.~~

- ~~(a) Any police officer of the city is authorized to attach a device that is capable of immobilizing a motor vehicle so that it cannot be moved under its own power without damage to such motor vehicle, when three or more parking citations for unlawful or illegal parking involving the motor vehicle have been outstanding for more than 30 days and have not been disposed of by payment of the fines as provided by this article.~~
- ~~(b) The immobilizing device shall be attached to the motor vehicle at the place where it is found, except that no motor vehicle shall be immobilized within the traveled portion of any street or any portion of a street when immobilization at such place would create a hazard to the public or to traffic on the street. At the same time as the immobilizing device is attached to the motor vehicle, a notice shall be affixed to the windshield or other prominent place on the motor vehicle stating that the immobilizing device has been so attached, cautioning the operator not to attempt to operate the motor vehicle while the immobilizing device has been so attached, and informing the owner or operator of the motor vehicle of the number and age of, and total fines and charges assessable under, the citations for which the motor vehicle is immobilized, including the removal charge for the removal of the immobilizing device, and where the owner must go in order to pay the fines and charges and have the immobilizing device removed from the motor vehicle.~~
- ~~(c) The immobilizing device shall be removed from the motor vehicle upon payment of the total fines and late payment charges assessed against the owner of the vehicle. The police officer may approve the removal of the immobilizing device upon obtaining satisfactory arrangements for the stated fines and late charges or upon the owner posting bond for a hearing.~~
- ~~(d) The police officer may tow or cause to be towed and impound any motor vehicle immobilized under this article if payment for fines and late payments or satisfactory arrangements in lieu thereof have not been paid or obtained within 24 hours of the attaching of the immobilizing device. All expenses for towing or impounding shall be borne by the owner of the vehicle.~~

~~Sec. 66-107. Establishment of post-immobilization hearings.~~

- ~~(a) The registered owner or co-owner of the motor vehicle, or the person designated as having care, custody, or control of the motor vehicle at the time of the violation, or an authorized representative thereof, wishing to challenge the immobilization of a vehicle pursuant to this chapter shall be entitled to a post-immobilization hearing before a hearing officer. Post-immobilization hearings shall be handled on the same date and time as parking violation hearings. A person who wishes to contest an immobilization without being assessed additional penalties or costs for impoundment shall post a bond for the entire amount in dispute with the city prior to impoundment and complete and submit a written request for post-immobilization hearing which must be received by the city prior to the impoundment. A request for post-immobilization after impoundment will require all parking penalties and impound fees paid in order to request a hearing. The payment of parking fees will be considered a bond pending a hearing. A bond may be posted for impound fees in accordance with F.S. § 713.78(5). A request for a post-immobilization hearing after impoundment must be received by the city at the time of the payment of the bond for the parking penalties in dispute which led to the immobilization. A request for a post-immobilization hearing shall be on the form provided by the city. Requests shall include a complete name and address of the person requesting a hearing, and if available, a phone number and e-mail address. A description of the dispute must be included with the request for a hearing. Upon such request, a notice of hearing shall be issued, confirming the time and date of the hearing. A copy of the person's driver's license and vehicle registration will be necessary to schedule a post-immobilization hearing. All contested hearings shall be heard by a hearing officer who hears parking violation hearings. The city shall send a notice of hearing which states:~~
- ~~(1) The date, time, and location of a pre-scheduled post-immobilization hearing;~~
 - ~~(2) That a person who elects to contest the ticket or parking violation invoice waives his or her right to pay the initial amount due at the time of the immobilization unless a bond was posted and the person will accrue additional penalties and costs for the impoundment of the vehicle until a hearing is held and a determination is made as to whether the vehicle was immobilized in accordance with city code;~~
 - ~~(3) That a person who elects to contest a violation and then fails to appear shall be deemed to have waived his or her right to a hearing and any bond posted with the city will be forfeited to the city; and~~
 - ~~(4) That any vehicles which are impounded after immobilization are subject to liens in accordance with F.S. § 713.78.~~
- ~~(b) The notice of hearing shall be sent by mail or e-mail to the person making the request for a post-immobilization hearing to the physical address or e-mail address provided in the request. A certification by the city that the notice of hearing was mailed to the physical address or e-mail address provided on a post-immobilization request constitutes prima facie evidence that the person on the notice of hearing was served with the notice. Upon notification, the person wanting a post-immobilization is required to comply with the directions on the notice of hearing or waive his or her right to challenge the immobilization.~~
- ~~(c) A person who requests a post-immobilization hearing waives his or her right to pay the initial penalty and costs due as of the date of the immobilization unless a bond was posted. After the~~

~~hearing, the hearing officer shall determine whether an immobilization was done in accordance with this chapter. If the hearing officer determines that the immobilization carried out by the city pursuant to this chapter was not in accordance with the applicable ordinances, statutes and regulations, the aggrieved party shall be entitled to a reimbursement of any bond, fines, costs or penalties paid related to the contested immobilization or if the vehicle is still impounded, the vehicle shall be immediately released with the city bearing the costs for the tow fees.~~

~~Sec. 66-108. Penalties and fees.~~

~~The penalties and fees for parking infractions and violations as set forth in this chapter are hereby established as follows:~~

- ~~(1) Expired parking session or failure to pay for time parked (applicable to metered, pay station, or camera enforced/web-based areas):~~
 - ~~a. 1st offense not to exceed one hundred dollars (\$100.00).~~
 - ~~b. 2nd offense within six (6) months not to exceed one hundred fifty dollars (\$150.00).~~
 - ~~c. 3rd or subsequent offense within one (1) year not to exceed two hundred fifty dollars (\$250.00).~~
- ~~(2) Parking in a no parking zone not to exceed one hundred dollars (\$100.00).~~
- ~~(3) Disabled parking without valid permit displayed two hundred fifty dollars (\$250.00). If a citation is issued to a person legally entitled to park in a designated handicapped zone, the fine shall be waived upon presentation of proof of a disabled parking permit at the police department.~~
- ~~(4) Stopping, standing, and parking in fire zone not to exceed two hundred dollars (\$200.00).~~
- ~~(5) Late fees not to exceed seventy five dollars (\$75.00).~~
- ~~(9) Immobilization fee:~~
 - ~~a. 1st offense not to exceed two hundred dollars (\$200.00).~~
 - ~~b. 2nd offense within six (6) months not to exceed three hundred dollars (\$300.00).~~
 - ~~c. 3rd or subsequent offense within one (1) year not to exceed five hundred dollars (\$500.00).~~
- ~~(10) Unlawfully displaying a vehicle for sale, hire, or rental (F.S. § 318.18(22)) five hundred dollars (\$500.00).~~
- ~~(11) Administrative fee (F.S. § 318.18(19)) twelve dollars and fifty cents (\$12.50).~~
- ~~(12) Found to be in violation after contesting a ticket, citation, or parking violation invoice not to exceed one hundred dollars (\$100.00).~~

- ~~(13) Failure to appear after requesting a hearing not to exceed one hundred dollars (\$100.00).~~
- ~~(14) Issuance of notice of delinquent status for any provision of this chapter not to exceed one hundred dollars (\$100.00). (No such fee shall be assessed when a parking ticket, citation, or parking violation invoice is dismissed or is found to not be in violation.)~~
- ~~(14) Payment pursuant to this section may be made by authorized legal tender or other forms of payment approved by resolution upon recommendation of the mayor and approved by city council.~~
- ~~(15) The fine for violations of 66-42 (3), (4), (5) of this article shall be \$500.00.~~
- ~~(16) Other violations. The fine for any other violation of this article or provisions of the Florida Statutes pertaining to parking shall be \$100.00.~~
- ~~(17) Leaving vehicle with keys in ignition. The fine for leaving a parked vehicle while the keys remain in the ignition shall be \$50.00.~~



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Dunnellon's website by the time notice of the proposed ordinance is published.

ORDINANCE NO. ORD2026-02

AN ORDINANCE OF THE CITY OF DUNNELLOH, FLORIDA, DELETING CHAPTER 66, ARTICLE II OF THE CITY'S CODE OF ORDINANCES IN ITS ENTIRETY AND ADOPTING CHAPTER 66, ARTICLE II-A AND ARTICLE II-B IN ITS PLACE TO CREATE SEPARATE REGULATORY FRAMEWORKS FOR NON-METER/NON-PAID PARKING RULES AND VIOLATIONS AND PAID PARKING RULES AND VIOLATIONS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:

¹ See Section 166.041(4)(c), Florida Statutes.

- a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243.
- b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.
- c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts.
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of public purpose, such as serving the public health, safety, morals, and welfare):

Within the recitals of the ordinance, the City Council of the City of Dunnellon finds that it is in the best interest of the City and the health, safety, and welfare of the public to adopt the proposed ordinance which comprehensively updates and modernizes the City's parking regulations to reflect current enforcement practices and technological capabilities. The ordinance establishes clear definitions, streamlined enforcement procedures, and a transparent administrative hearing process through a hearing officer system. Key updates include provisions for camera-enforced parking in public paid parking areas, detailed procedures for issuing parking tickets and invoices, expanded payment options, formalized review and hearing processes, and updated penalty structures. These amendments serve the public interest by modernizing outdated regulations, improving administrative efficiency, enhancing due process protections for vehicle owners, and establishing consistent enforcement standards that promote fair and equitable treatment of all motorists while maintaining public access to parking resources.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;

Minimal direct compliance costs are anticipated for most businesses. Businesses operating in areas with metered or regulated parking will need to ensure their employees, customers, and delivery vehicles comply with posted parking regulations, which represents no change from current requirements. The ordinance's clarified definitions and procedures may actually reduce compliance costs by eliminating ambiguity about parking requirements. Businesses utilizing parking for commercial purposes (deliveries, customer parking, etc.) will benefit from clearer guidelines and more predictable enforcement.

- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

The ordinance does not impose new charges or fees on businesses. Existing parking fines are maintained with updated penalty structures that reflect current enforcement practices. The ordinance establishes maximum penalty amounts consistent with Florida Statutes, with fees applying only to violators and not representing new costs to compliant businesses. Businesses will not be charged for the implementation or operation of the parking enforcement system.

- (c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The ordinance is expected to improve enforcement efficiency and collection rates for existing parking violations. Implementation costs will include camera enforcement technology and software systems, offset by improved collection of outstanding fines and reduced administrative costs through the hearing officer system versus county court proceedings. Enhanced enforcement capabilities and streamlined collection procedures will improve the City's ability to collect outstanding fines, generating modest additional revenue to support parking infrastructure maintenance and improvements.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The ordinance will have minimal negative impact on businesses and may provide positive benefits to many. Approximately 150-200 businesses in the City's downtown and commercial areas benefit from regulated parking that ensures customer access and turnover in metered spaces. Retail businesses, restaurants, and service providers will benefit from improved parking availability as enhanced enforcement reduces unauthorized long-term parking by non-customers. No businesses are expected to experience significant negative impacts, as the ordinance primarily updates enforcement procedures rather than restricting parking availability or imposing new operational requirements on businesses.

4. Additional information the governing body deems useful (if any):

This ordinance represents a comprehensive modernization of parking enforcement regulations that have not been substantially updated in many years. The updates reflect best practices adopted by municipalities throughout Florida and incorporate technological advances in parking management. Key improvements include:

Enhanced Due Process: The ordinance establishes clear procedures for contesting tickets, requesting reviews, and obtaining hearings before an impartial hearing officer, providing vehicle owners with better protections and more accessible appeal mechanisms than the previous court-based system.

Technological Modernization: Camera-enforced parking provisions allow the City to efficiently monitor public paid parking lots with limited staff resources while maintaining 30-minute grace periods and clear signage requirements to ensure fairness.

Administrative Efficiency: Transitioning from county court proceedings to an administrative hearing officer system reduces costs for both the City and vehicle owners, speeds resolution of disputes, and reduces burden on the judicial system.

Graduated Penalties: The penalty structure includes escalating fines for repeat offenders and habitual violators, encouraging compliance while providing proportionate consequences for continued violations.

Revenue Management: Improved enforcement capabilities and streamlined collection procedures will enhance the City's ability to collect outstanding fines, with provisions for sending delinquent accounts to collections when necessary.

Public Safety: Provisions allowing immobilization and impoundment of vehicles with multiple outstanding violations serve public safety by addressing chronic violators who disregard parking regulations.

The ordinance has been drafted to comply fully with Florida Statutes Chapter 316 governing parking enforcement and Chapter 162 authorizing code enforcement procedures. Implementation will include public education efforts to inform residents and businesses about the updated procedures and available payment options.