

LEE COUNTY ORDINANCE NO. 92-01

AN ORDINANCE AMENDING THE PARKING ON CAPTIVA ISLAND, FLORIDA, AS ADOPTED BY ORDINANCE NO. 83-35, SO AS TO AMEND PENALTIES; PROVIDING FOR AN EFFECTIVE DATE; INCLUSION IN CODE; AND SEVERABILITY.

WHEREAS, Captiva Island in Lee County, Florida is approximately five (5) miles long, is between 300 to 2,000 feet wide, contains a total of approximately 642 acres, is situated between the Gulf of Mexico and Pine Island Sound, and is known for its unique atmosphere and unusual natural environment; and

WHEREAS, the Board of County Commissioners of Lee County, Florida recognizes the necessity of preserving the island's irreplaceable natural features for use and enjoyment by residents and visitors alike and the necessity of balancing the increasing pressure for parking and other services against environmental constraints; and

WHEREAS, the attraction of Captiva's serene environment and beautiful beaches has resulted in an inordinate influx of tourists and visitors in such numbers that the parking areas cannot accommodate all of the vehicles; and

WHEREAS, the influx of tourists into the island's residential neighborhoods and low density resort areas has caused serious inconvenience, discomfort and unsafe conditions for the county's residents and taxpayers; and

WHEREAS, it is the intent of this Ordinance to promote traffic, safety and provide the penalties for illegal parking of vehicles upon street and road rights-of-way within or adjacent to the island's residential and central business district.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE:

The Lee County Captiva Parking Ordinance No. 83-35, is hereby amended as follows with underlined language, except for section headings, being in addition to the previously adopted text and deleted language being struck through.

SECTION TWO:

Section Four, Penalties, is hereby amended accordingly:

Any violation of Section Two of this Ordinance shall be punishable by a fine of Thirty Two Dollars (\$32.00). ~~Fifteen Dollars (\$15.00)~~. Any person who fails to satisfy the provisions contained in the Lee County summons for violation of parking contained in ~~Section 24-27 of the Code of Ordinances for Lee County, Florida~~ the Lee County Parking Ordinance and elects to appear before a designated official to present evidence shall be deemed to have waived his right to the civil penalty provisions of the ticket. The official, after a hearing shall make a determination as to whether a parking violation has been committed and may impose a fine not to exceed Two Hundred Dollars

~~(\$200.00) One Hundred Dollars (\$100.00) plus court costs.~~

The penalty provision in the Lee County Parking Ordinance shall apply to violations which are prohibited by the Lee County Parking Ordinance and are not specifically prohibited by this ordinance.

SECTION THREE: Effective Date

This ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of the Secretary of State of Florida that this ordinance has been filed with the said office.

SECTION FOUR: Inclusion in Code

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made part of the Lee County Code; and

The sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION FIVE: Severability

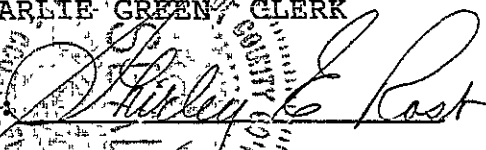
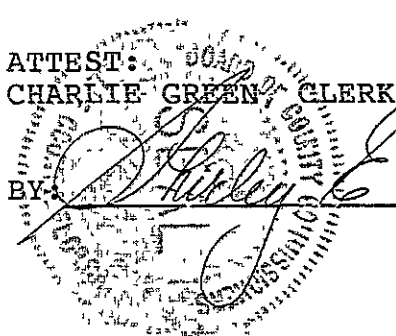
It is declared to be the legislative intent that if any section, subsection, sentence, clause, or a provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate provision and the remaining provisions of this Ordinance shall not be affected. It is hereby declared to be the legislative intent of the Board of County Commissioners that this Ordinance would have been adopted had such unconstitutional provision not been included therein.

THE FOREGOING ORDINANCE was offered by Commissioner Manning who moved its adoption. The motion was seconded by Commissioner Judah and, upon being put to a vote, the vote was as follows:

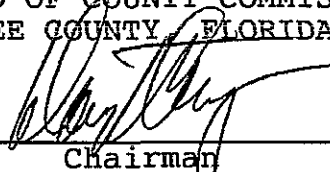
JOHN MANNING	aye
RAY JUDAH	aye
VICKI LOPEZ-WOLFE	absent
DONALD SLISHER	absent
DOUGLAS ST. CERNY	aye

DONE AND ADOPTED this 15th day of January, 1992.

ATTEST:
CHARLIE GREEN, CLERK

BY: 


BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

APPROVED AS TO FORM

BY: 
OFFICE OF THE COUNTY ATTORNEY

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