

ORDINANCE 2024-22

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 20 - TRAFFIC AND MOTOR VEHICLES; PROVIDING FOR AMENDMENTS TO SECTION 20-30. - ENFORCEMENT PROCEDURES; PROVIDING FOR AMENDMENTS TO SECTION 20-33. - VIOLATIONS DECLARED CIVIL INFRACTIONS; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 28, 2024, the Walton County Board of County Commissioners (the “County”) passed an ordinance amending portions of Chapter 20- Traffic and Motor Vehicles to permit violations of this Chapter to be heard by the Code Compliance Special Magistrate; and

WHEREAS, Section 20-26. – Parking Spaces Marked of the Walton County Code of Ordinances is not included as a violation to be heard by the Code Compliance Special Magistrate; and

WHEREAS, the County desires that additional parking violations be subject to the enforcement procedures of this Chapter and to be heard by the Code Compliance Special Magistrate; and

WHEREAS, the County determines that it is in the best interests of the public to amend the Walton County Traffic and Motor Vehicles Ordinance.

NOW, THEREFORE, be it ordained by the Walton County Board of County Commissioners that Chapter 20 - Traffic and Motor Vehicles is hereby amended as follows:

**CHAPTER 20 - TRAFFIC AND MOTOR VEHICLES
ARTICLE II. - STOPPING, STANDING AND PARKING
DIVISION 3. - CITATIONS**

Sec. 20-30. Enforcement procedures.

If the sheriff or CCPES discovers a vehicle parked in violation of sections enumerated in sections 20-10 through 20-13, sections 20-15 through 20-17, sections 20-21 through 20-26, section 20-45 or section 20-50, as well as in violation of Florida Statutes, he or she shall issue a notice of violation to the vehicle in the form of a citation as described in section 20-32 and approved by the county administrator, and place a copy of the citation in a conspicuous place on the vehicle. The original citation shall then be filed with the Clerk of Court which shall process it in accordance with F.S. § 316.1967(1)-(4). The citation provided to the violator and the clerk shall identify the vehicle, license plate number, time, date, location and violation charged.

Additionally, the citation shall inform the violator that he has been charged with a non-criminal infraction and that he may elect to either:

- (1) Pay the scheduled fine and administrative costs in accordance with section 20-31 to the Clerk of the Court within 30 calendar days of the date of the citation; or
- (2) Waive the scheduled fine and request a hearing before the County's Code Compliance Special Magistrate by notifying the Clerk of the Court in writing, by phone, or in person within 30 calendar days of the date of the citation. The violator must appear in person at the hearing. At such hearing the Code Compliance Special Magistrate shall, upon finding that the violator committed the infraction charged, impose a fine plus administrative costs in accordance with section 20-31.

Sec. 20-33. Violations declared civil infractions.

Violations of sections 20-10 through 20-13, sections 20-15 through 20-17, sections 20-21 through 20-26, section 20-45, and section 20-50 are hereby declared to be non-criminal, civil infractions and may be prosecuted in the name of the county, in Code Compliance Special Magistrate hearing, by the sheriff's deputy or CCPES who issued such citation.

Conflicts and Severability. If any provision of this Ordinance is determined by any Court to be invalid or otherwise found to be in conflict with any other provision of law, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), or circumstance(s), such determination shall not affect the applicability hereof to any individual, group, entity, property, or circumstance.

Effective Date. This Ordinance shall be effective immediately upon adoption by the Walton County Board of County Commissioners.

Passed and duly adopted in regular session by the Board of County Commissioners of Walton County, Florida, this ___9th___ day of ___July___, 2024.

**BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA**

Attest:

Alex Alford
for Alex Alford, Clerk of the Circuit Court
And County Comptroller



Anthony "Tony" Anderson
Anthony "Tony" Anderson, Chairman