

ORDINANCE NO. 12-015

AN ORDINANCE OF THE ST. LUCIE COUNTY BOARD OF COUNTY COMMISSIONERS PERTAINING TO REFUELING ASSISTANCE FOR PERSONS WITH DISABILITIES; CREATING SECTION IX OF CHAPTER 1-2 ADMINISTRATION OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA; PROVIDING A TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR ACCESSIBILITY, PROHIBITED CONDUCT, ENFORCEMENT, AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADOPTION; AND PROVIDING FOR CODIFICATION.

WHEREAS, Subsection 526.141(5)(a), Florida Statutes, as amended from time to time, requires gasoline stations that offer self-service to require an attendant employed by the station to dispense gasoline to persons with disabilities; and

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, (“Board”) desires to create the “Refueling Assistance for Persons with Disabilities Ordinance” in the St. Lucie County Code of Ordinances in order to provide assistance to persons with disabilities in refueling their vehicles; and

WHEREAS, the Board finds that implementation of this Ordinance as set forth herein will promote, protect, and improve the health, safety, and welfare of the people of unincorporated St. Lucie County, Florida.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A. CHAPTER 1-12 ADMINISTRATION of the Code of Ordinances of St. Lucie County, Florida is amended to add Article IX Refueling Assistance for Persons with Disabilities as follows:

ARTICLE IX. REFUELING ASSISTANCE FOR PERSONS WITH DISABILITIES.

Section 1-2.103 Definitions

For the purposes of this Section, the following shall apply:

(a) *Complainant* shall mean any individual who witnesses or who is subjected to conduct which violates this Ordinance and who files a written complaint with the Division stating the information required by this Ordinance.

(b) *Director* shall mean the Planning and Development Services Director, or the Director’s designee.

(c) Division shall mean the St. Lucie County Code Division.

(d) Gasoline Dispensing Area shall mean the area where the pumps used to dispense flammable and combustible liquids used as motor fuels are located.

(e) Gasoline Station Retailer shall mean:

_____ (1) Any full-service gasoline station located in unincorporated St. Lucie County; or

_____ (2) Any self-service gasoline station located in unincorporated St. Lucie County that has two (2) or more attendants on duty at any given time during the hours the station is open for business to the public.

(f) Person(s) with Disability(ies) shall mean any natural person who:

_____ (1) Has been issued and is operating any motor vehicle properly displaying an exemption parking permit as provided in Section 316.1958, or Section 320.0848, or a license plate issued pursuant to Section 320.084, Section 320.0842, Section 320.0843, or Section 320.0845, Florida Statutes, or

_____ (2) Is operating any motor vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability or whose vehicle is displaying the Florida Toll Exemption permit.

(g) Self-service Gasoline Station shall mean that portion of property where flammable and combustible liquids used as motor fuels are stored and subsequently dispensed from fixed, approved dispensing equipment into the fuel tanks of motor vehicles by persons other than the service station attendant.

Section 1-2-105 Accessibility requirements.

(a) Attendants at all Gasoline Station Retailers shall at all times be able to communicate with persons in the Gasoline Dispensing Area via telephone, as well as any additional means of electronic communication with the attendant such as, but not limited to, an intercom.

(b) Gasoline Station Retailers shall require an attendant to provide refueling assistance to Persons with Disabilities as defined in this Ordinance when such service is requested.

(c) Gasoline Station Retailers shall prominently display a sign, decal, or sticker, no smaller than fifteen (15) square inches, on the front of all gasoline pumps clearly stating the telephone number of that Gasoline Station Retailer, as well as the existence of any additional means of electronic communication with the attendant such as, but not limited to, an intercom, the international symbol of accessibility ("ISA"), and wording such as "Call for Assistance" or "Assistance Available upon Request." The sign, decal, or sticker must also be on a blue background. The telephone number and all other means of electronic communication indicated on the sign, decal, or sticker shall be operational and answered directly by an attendant on duty during the hours the Gasoline Station Retailer is open for business to the public.

(d) In the event that assistance is requested during times when a second attendant is not present at a Self-service Gasoline Station, the Gasoline Station Retailer is not required to provide the requested assistance. In such instances, the attendant on duty shall inform the person who requested assistance that the attendant is not able to provide such assistance because there is only one (1) attendant on duty.

Section 1-2-105 Prohibited conduct.

It shall be a violation of this Article for a Gasoline Station Retailer to:

(a) Fail or refuse to prominently display a sign, decal, or sticker, on the front of all gasoline pumps, which meets the requirements of this Ordinance; or

(b) Fail to ensure that the telephone number, intercom, or other means of electronic communication with the attendant indicated on the sign, decal, or sticker is operational and answered by an attendant on duty during the hours the Gasoline Station Retailer is open for business to the public; or

(c) Fail to provide refueling assistance to a Person with Disabilities when such assistance is requested and when more than one (1) attendant is on duty.

Section 1-2-106. Filing of Complaints.

(a) Any person who witnesses, or who is subjected to, conduct that violates this Ordinance may file a written complaint with the Division.

(b) The complaint must be in writing and shall contain the following information:

_____ (1) Name and address of the Gasoline Station Retailer alleged to have committed the violation; and

_____ (2) Date of alleged violation; and

_____ (3) General statement of the facts of the alleged violation; and

_____ (4) Such other information required by the Division.

Section 1-2-107 Enforcement and penalties.

It shall be the duty of the Division to enforce this Ordinance.

PART B. SEVERABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property, or

circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART C. APPLICABILITY

This Ordinance shall be applicable in the unincorporated area of St. Lucie County.

PART D. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, in conflict with this Ordinance are hereby superseded by this Ordinance to the extend of such conflict.

PART E. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this Ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART F. EFFECTIVE DATE.

This Ordinance shall become effective December 1, 2012.

PART G. ADOPTION.

After motion and second, the vote on this Ordinance was as follows:

Chairman Chris Dzadoovsky	AYE
Vice Chair Tod Mowery	AYE
Commissioner Paula A. Lewis	AYE
Commissioner Frannie Hutchinson	AYE
Commissioner Chris Craft	AYE

PART H. CODIFICATION.

Provisions of this Ordinance shall be incorporated in the St. Lucie County Code and Compiled Laws and the word "ordinance" may be changed to "section," "article," or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts B through H shall not be codified.

PASSED AND DULY ADOPTED this 7th day of August 2012.

ATTEST:

Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

BY: _____
Chairman

**APPROVED AS TO FORM AND
CORRECTNESS:**

BY: _____
County Attorney