

1 assistance by honking or otherwise signaling the attendant and that such refueling assistance is
2 provided without any charge beyond the self-service price; and

3 WHEREAS, the Leon County Board of County Commissioners has become aware that
4 persons with disabilities are still finding it difficult to obtain the gas refueling assistance they
5 need; and

6 WHEREAS, the Leon County Board of County Commissioners recognizes the need to
7 ensure that persons with disabilities are provided equal access in refueling their vehicles at self-
8 services stations and finds that imposing local regulations on self-service gas stations is the best
9 means of ensuring this equal access; and

10 WHEREAS, the Leon County Board of County Commissioners recognizes that the public
11 health, safety and welfare of the residents of Leon County will best be served by enacting a
12 Refueling Assistance for Persons with Disabilities ordinance that provides for the regulation of
13 gas station to ensure that persons with disabilities are provided equal access in refueling their
14 vehicles;

15 BE IT ORDAINED by the Board of County Commissioners of the County of Leon,
16 Florida, as follows, that:

17 **Section 1.** Chapter 11 of the Leon County Code of Laws is hereby amended by
18 enacting a New Article XXIV to be entitled “Refueling Assistance for Persons with Disabilities,”
19 which shall read as follows:

20 **REFUELING ASSISTANCE FOR PERSONS WITH DISABILITIES**

21 **Sec. 11-826. Legislative Intent.**

22 The purpose of this article is to provide for the regulation of gas stations to ensure that persons
23 with disabilities are provided equal and dignified access in refueling their vehicles.

1 **Sec. 11-827. Definitions.**

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

4 Altered, Expanded, or Remodeled Gas Station shall mean an existing retail
5 establishments open to the public that has been altered, expanded, or remodeled fifty
6 percent (50%) or beyond at which motor fuels are sold and dispensed by the
7 customer from fixed dispensing equipment into the fuel tanks of motor vehicles.

8 Fueling Position shall mean the actual number of motor vehicle refueling locations at a
9 Gas Station that are available to the public to dispense motor vehicle fuel at the same
10 time.

11 Gas Station shall mean retail establishments open to the public at which motor fuels are
12 sold and dispensed by the customer from fixed dispensing equipment into the fuel tanks
13 of motor vehicles.

14 Gas Station Retailer shall mean any self-service Gas Station operator or owner.

15 **Sec. 11-828. Accessibility Requirements.**

16 (a) Within ninety (90) days of the effective date of this ordinance, all Gas Stations in
17 existence prior to the adoption of this ordinance, all newly constructed Gas Stations, and all
18 Altered, Expanded, or Remodeled Gas Stations, shall be required to prominently display on the
19 front of each Fueling Position a sign, decal, or sticker, no smaller than 15 square inches in size
20 with at least a 28 point font printed on a blue background that clearly states:

- 21 (1) The telephone number for that Gas Station and the number must be operational.
22 (2) The international symbol of accessibility (ISA).

1 (3) Wording such as “Call for Assistance” or “Assistance Available Upon
2 Request.”

3 (4) The day(s) and corresponding hours two attendants will be available to provide
4 assistance at the Gas station.

5 (b) Gas Stations with ten (10) Fueling Positions or more:

6 Within ninety (90) days of the effective date of this ordinance, all Gas Stations in
7 existence prior to the adoption of this ordinance with 10 Fueling Positions or more shall
8 be required to provide a minimum of two (2) Fueling Positions with the FuelCall™
9 system or an equivalent system.

10 (c) New Gas Stations.

11 All Gas Stations constructed after the adoption of this ordinance and regardless of the
12 number of Fueling Positions shall be required to provide a minimum of two (2) Fueling
13 Positions with the FuelCall™ system or an equivalent system.

14 (d) Altered, Expanded, or Remodeled Gas Stations.

15 All Gas Stations Altered, Expanded, or Remodeled after the adoption of this ordinance
16 and regardless of the number of Fueling Positions shall be required to provide a minimum
17 of two (2) Fueling Positions with the FuelCall™ system or an equivalent system.

18 **Sec. 11-829. Calling Device Requirements.**

19 (a) All newly constructed Gas Stations, or Altered, Expanded, or Remodeled Gas Stations or
20 Gas Stations with 10 Fueling Positions or more shall be required to provide a minimum of two
21 (2) Fueling Positions with the FuelCall™ system or an equivalent system which allows the
22 disabled operator of a motor vehicle to request refueling assistance.

23 (b) The calling device must meet the following minimum specifications:

- 1 (1) Provide a recognizable signal inside the retail establishment that a driver needs
2 assistance operating the Fueling Position;
- 3 (2) Be able to be operated from the vehicle by a person with limited manual
4 dexterity using only one hand without requiring tight, grasping or pinching;
- 5 (3) Be mounted at a height 48 inches from the ground;
- 6 (4) Be operable from the vehicle in accordance with all requirements of the
7 Americans with Disabilities Act Accessibility Guidelines.
- 8 (5) Each Station must also include prominently displayed signage indicating the
9 existence of a calling device.

10 **Sec. 11-830. Eligibility of Customers.**

11 In order to receive refueling assistance, the vehicle operator must properly display state issued
12 registration plates or a special decal issued to a physically disabled person and the person to
13 whom the permit has been issued is the operator of the vehicle.

14 **Sec. 11-831. Prohibited Conduct.**

15 It shall be a violation of this article for a Gas Station Retailer or its employees to:

- 16 (a) Fail or refuse to prominently display a sign, decal or sticker, as described in Sec. 11-828.
17 Accessibility Requirements, each Fueling Position not complying with Sec. 11-828 shall
18 constitute a separate violation; or
- 19 (b) Fail to ensure the telephone number indicated on the sign, decal, or sticker, is operational
20 during hours the Gas Station is open for business to the public; or.
- 21 (c) Fail to ensure that two attendants will be available to provide assistance at the Gas
22 Station during posted hours; or

1 (d) Fail or refuse to obtain and/or maintain a calling device, as described in Sec. 11-829.
2 Calling Device Requirements.

3 **Sec. 11-832. Filing of Complaints.**

4 (a) Any person who is subjected to an unlawful practice or conduct in violation of this
5 Ordinance may file a complaint with the Code Compliance Office (CCO).

6 (b) The complainant must provide the following information:

7 (1) Name and address of the gas station retailer alleged to have committed the
8 offense.

9 (2) Date and time of the alleged offense.

10 (3) General statement of the facts of the alleged offense.

11 (4) Such other information as required by the CCO.

12 (c) Any person who is subjected to a violation of the American Disabilities Act may file a
13 complaint with United States Department of Justice Civil Rights Division. You can file an
14 Americans with Disabilities Act complaint alleging disability discrimination by mail, fax, or
15 email.

16 **Sec. 11-833. Notice of Violation.**

17 (a) Whenever a code inspector finds that a violation of this article has occurred, the code
18 inspector may immediately issue written notice to the person in violation, identifying the nature
19 and location of the violation and specifying that remedial action is necessary to bring the
20 violation into compliance. For purposes of this section, the person in violation shall include the
21 Owner of the site and any and all contractors, agents or other individuals actually violating any
22 of the provisions of this article. The person in violation shall immediately commence remedial
23 action and shall have seven calendar days after the receipt of the notice, or such longer time as

1 may be specified in the notice, to complete all remedial actions required to bring the gas station
2 into compliance with this article..

3 (b) Multiple violations of this ordinance may be cited on a single Notice of Violation.

4 (c) A copy of any Notice of Violation issued pursuant to this ordinance shall be served upon
5 the affected persons by certified mail, return receipt requested; by hand delivery by the sheriff or
6 other law enforcement officer, code inspector, or other person designated by the local governing
7 body. Notice may also be served by publication once during each week for four consecutive
8 weeks (four publications being sufficient) in a newspaper of general circulation in Leon County,
9 or by posting for at least ten days in at least two locations, one of which shall be the property
10 upon which the violation is alleged to exist and the other of which shall be at the front door of
11 the Leon County Courthouse. A Notice of Violation may be directed not only to the person
12 owning the land upon which the noncompliance is occurring, but also to the operator of the gas
13 station, or to any person actually physically committing the violation.

14 (d) Nothing in this section shall be deemed to require Leon County to issue a Notice of
15 Violation prior to referring the matter to the appropriate federal or state agency for criminal
16 prosecution or administrative action or filing such criminal or administrative complaints with
17 state or federal agencies as may be required.

18 **Sec. 11-833. Enforcement by the Code Enforcement Board.**

19 If the property owner fails to complete the recommended remedial action within the time allowed
20 after notice, a code inspector may initiate enforcement proceedings before the code enforcement
21 board and obtain an order requiring compliance with this article, and/or may initiate proceedings
22 in the circuit court as provided by general law. The code enforcement board is established in

1 Chapter 6 of the Leon County Code of Laws. The code enforcement board is specifically
2 granted jurisdiction to enforce this Ordinance.

3 **Section 2. Compliance with State and Federal Law.** Nothing in this ordinance
4 shall be construed to exempt or limit compliance by any person with the State and Federal laws,
5 rules and regulations related to persons with disabilities. Violation of such laws, rules and
6 regulations may be prosecuted as applicable.

7 **Section 3. Applicability.** It is hereby intended that this ordinance shall constitute a
8 law applicable in all areas of Leon County, Florida.

9 **Section 4. Severability.** If any provisions or portion of this Ordinance is declared by
10 any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all
11 remaining provisions and portions of this Ordinance shall remain in full force and effect.

12 **Section 5. Effective Date.** This Ordinance shall become effective ninety (90) days
13 from the date of adoption by the Board of County Commissioners.

14 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon
15 County, Florida this 29th day of October, 2013.



LEON COUNTY, FLORIDA

By: _____

Nicholas Maddox, Chairman
Board of County Commissioners

ATTEST:

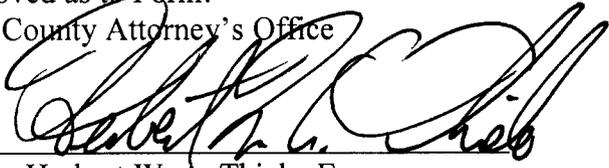
Bob Inzer, Clerk of the Court
Leon County, Florida

By: _____

John Stott, Deputy Clerk

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Approved as to Form:
Leon County Attorney's Office

A large, stylized handwritten signature in black ink, appearing to read 'Herbert W. A. Thiele', is written over a horizontal line.

By: _____
Herbert W. A. Thiele, Esq.
County Attorney