

ARTICLE XXIV. - REFUELING ASSISTANCE FOR PERSONS WITH DISABILITIES

Sec. 11-826. - Legislative intent.

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

(Ord. No. 13-21, § 1, 10-29-13)

Sec. 11-827. - Definitions.

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

Altered, expanded, or remodeled gas station shall mean an existing retail establishments open to the public that has been altered, expanded, or remodeled 50 percent or beyond at which motor fuels are sold and dispensed by the customer from fixed dispensing equipment into the fuel tanks of motor vehicles.

Fueling position shall mean the actual number of motor vehicle refueling locations at a gas station that are available to the public to dispense motor vehicle fuel at the same time.

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

Gas station retailer shall mean any self-service gas station operator or owner.

(Ord. No. 13-21, § 1, 10-29-13)

Sec. 11-828. - Accessibility requirements.

- (a) Within 90 days of the effective date of this article, all gas stations in existence prior to the adoption of this article, all newly constructed gas stations, and all altered, expanded, or remodeled gas stations, shall be required to prominently display on the front of each fueling position a sign, decal, or sticker, no smaller than 15 square inches in size with at least a 28-point font printed on a blue background that clearly states:
  - (1) The telephone number for that gas station and the number must be operational.
  - (2) The international symbol of accessibility (ISA).
  - (3) Wording such as "call for assistance" or "assistance available upon request."
  - (4) The day(s) and corresponding hours two attendants will be available to provide assistance at the gas station.
- (b) Gas stations with ten fueling positions or more. Within 90 days of the effective date of this article, all Gas Stations in existence prior to the adoption of this article with ten fueling positions or more shall be required to provide a minimum of two fueling positions with the fuelcall™ system or an equivalent system.
- (c) New gas stations. All gas stations constructed after the adoption of this article and regardless of the number of fueling positions shall be required to provide a minimum of two fueling positions with the FuelCall™ system or an equivalent system.
- (d) Altered, expanded, or remodeled gas stations. All gas stations altered, expanded, or remodeled after the adoption of this article and regardless of the number of fueling positions shall be required to provide a minimum of two fueling positions with the FuelCall™ system or an equivalent system.

(Ord. No. 13-21, § 1, 10-29-13)

Sec. 11-829. - Calling device requirements.

- (a) All newly constructed gas stations, or altered, expanded, or remodeled gas stations or gas stations with ten fueling positions or more shall be required to provide a minimum of two fueling positions with the FuelCall™ system or an equivalent system which allows the disabled operator of a motor vehicle to request refueling assistance.
- (b) The calling device must meet the following minimum specifications:
  - (1) Provide a recognizable signal inside the retail establishment that a driver needs assistance operating the fueling position;
  - (2) Be able to be operated from the vehicle by a person with limited manual dexterity using only one hand without requiring tight, grasping or pinching;
  - (3) Be mounted at a height 48 inches from the ground;
  - (4) Be operable from the vehicle in accordance with all requirements of the Americans with Disabilities Act Accessibility Guidelines.
  - (5) Each station must also include prominently displayed signage indicating the existence of a calling device.

(Ord. No. 13-21, § 1, 10-29-13)

Sec. 11-830. - Eligibility of customers.

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

(Ord. No. 13-21, § 1, 10-29-13)

Sec. 11-831. - Prohibited conduct.

It shall be a violation of this article for a gas station retailer or its employees to:

- (1) Fail or refuse to prominently display a sign, decal or sticker, as described in section 11-828, accessibility requirements, each fueling position not complying with section 11-828 shall constitute a separate violation; or
- (2) Fail to ensure the telephone number indicated on the sign, decal, or sticker, is operational during hours the gas station is open for business to the public; or
- (3) Fail to ensure that two attendants will be available to provide assistance at the gas station during posted hours; or
- (4) Fail or refuse to obtain and/or maintain a calling device, as described in section 11-829, calling device requirements.

(Ord. No. 13-21, § 1, 10-29-13)

Sec. 11-832. - Filing of complaints.

- (a) Any person who is subjected to an unlawful practice or conduct in violation of this article may file a complaint with the code compliance office (CCO).
- (b) The complainant must provide the following information:
  - (1) Name and address of the gas station retailer alleged to have committed the offense.
  - (2) Date and time of the alleged offense.
  - (3) General statement of the facts of the alleged offense.
  - (4) Such other information as required by the CCO.
- (c) Any person who is subjected to a violation of the American Disabilities Act may file a complaint with United States Department of Justice Civil Rights Division. You can file an Americans with Disabilities Act complaint alleging disability discrimination by mail, fax, or email.

(Ord. No. 13-21, § 1, 10-29-13)

Sec. 11-833. - Notice of violation.

- (a) Whenever a code inspector finds that a violation of this article has occurred, the code inspector may immediately issue written notice to the person in violation, identifying the nature and location of the violation and specifying that remedial action is necessary to bring the violation into compliance. For purposes of this section, the person in violation shall include the owner of the site and any and all contractors, agents or other individuals actually violating any of the provisions of this article. The person in violation shall immediately commence remedial action and shall have seven calendar days after the receipt of the notice, or such longer time as may be specified in the notice, to complete all remedial actions required to bring the gas station into compliance with this article.
- (b) Multiple violations of this article may be cited on a single notice of violation.
- (c) A copy of any notice of violation issued pursuant to this article shall be served upon the affected persons by certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body. Notice may also be served by publication once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in Leon County, or by posting for at least ten days in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the front door of the Leon County Courthouse. A notice of violation may be directed not only to the person owning the land upon which the noncompliance is occurring, but also to the operator of the gas station, or to any person actually physically committing the violation.
- (d) Nothing in this section shall be deemed to require Leon County to issue a notice of violation prior to referring the matter to the appropriate federal or state agency for criminal prosecution or administrative action or filing such criminal or administrative complaints with state or federal agencies as may be required.

(Ord. No. 13-21, § 1, 10-29-13)

Sec. 11-834. - Enforcement by the code enforcement board.

If the property owner fails to complete the recommended remedial action within the time allowed after notice, a code inspector may initiate enforcement proceedings before the code enforcement board and obtain an order requiring compliance with this article, and/or may initiate proceedings in the circuit court as provided by general law. The code enforcement board is established in chapter 6 of the Leon County Code of Laws. The code enforcement board is specifically granted jurisdiction to enforce this article.

(Ord. No. 13-21, § 1, 10-29-13)