

PROPOSED

ORDINANCE NO. 2018-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO GAS PRICE SIGNS; AMENDING SECTIONS 20-9 AND 8½-16 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") REGARDING SIGNAGE REQUIREMENTS FOR GASOLINE PRICING AND THE SCHEDULE OF CIVIL PENALTIES FOR VIOLATIONS, RESPECTIVELY; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Section 570.07(16), Florida Statutes, preempts to the state the adoption of standards and fines for liquid fuels and requires local governments enforcing regulations related to the sale of liquid fuels to use the standards set forth by the state;

WHEREAS, Section 20-9 of the Broward County Code of Ordinances ("Code") prescribes the regulations for signs indicating the price of gasoline;

WHEREAS, Section 8½-16 of the Code prescribes the schedule of civil penalties for violations of Section 20-9 of the Code; and

WHEREAS, the Broward County Board of County Commissioners desires to amend Sections 20-9 and 8½-16 of the Code to comply with Section 570.07(16), Florida Statutes,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 20-9 of the Broward County Code of Ordinances is hereby amended to read as follows:

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 **Sec. 20-9. Signs indicating price of gasoline and liter-gallon equivalency**
2 **required.**

3 (a) Every person, firm, partnership, association, trustee, or corporation ~~which~~
4 that owns, operates, manages, leases, or rents a gasoline service station offering for sale,
5 selling, or otherwise dispensing ~~leaded gasoline, unleaded gasoline, or diesel~~ motor fuel
6 to the public from such gasoline service station abutting or adjacent to a street or roadway
7 shall ~~post or cause to be posted or displayed and maintain at such gasoline service station~~
8 ~~in a location easily visible to passing motorists from abutting or adjacent streets or~~
9 ~~roadways, a sign indicating the unit price for each grade of gasoline and diesel fuel offered~~
10 ~~for sale, sold, or dispensed. The prices stated on such sign shall disclose the highest~~
11 ~~price that the customer must pay for each grade of such gasoline or diesel fuel~~ comply
12 with the requirements of state law regulating the display of motor fuel prices, including the
13 requirements of Sections 526.111, 526.121, and 531.44, Florida Statutes, and
14 implementing regulations promulgated by the Department of Agriculture and Consumer
15 Services.

16 ~~(b) When gasoline service stations having signs posted in compliance with~~
17 ~~subsection (a) are not dispensing leaded gasoline, unleaded gasoline, or diesel fuel, but~~
18 ~~are open for other business, a sign shall be displayed indicating that leaded gasoline,~~
19 ~~unleaded gasoline, or diesel fuel is not being dispensed; or, in the alternative, the price~~
20 ~~signs required by subsection (a) shall be removed or covered.~~

21 ~~(c) Whenever a gasoline price posted as required by this section at a gasoline~~
22 ~~service station that offers both full service and self-service pumps and the posted price~~
23 ~~refers to self-service pumps only, the words "Self-service" shall appear on said sign.~~

1 ~~(d) All price signs required by this section shall have letters at least one and~~
2 ~~three-quarter (1³/₄) inches in height, shall have numerals indicating dollars and cents per~~
3 ~~price unit at least six (6) inches in height, and shall have numerals indicating fractions of~~
4 ~~cents per price unit at least three (3) inches in height.~~

5 ~~(e) Price signs required by this section shall conform to all statutes, ordinances,~~
6 ~~and regulations pertaining to signs.~~

7 ~~(f) Every person, firm, partnership, association, trustee, or corporation which~~
8 ~~owns, operates, manages, leases, or rents a gasoline or other motor vehicle fuel station~~
9 ~~offering for sale, selling, or otherwise dispensing gasoline or other motor vehicle fuel to~~
10 ~~the public from such station shall, if the gasoline or fuel is offered for sale, sold, or~~
11 ~~dispensed in metric liters, post or cause to be posted or displayed and maintained at or~~
12 ~~on each gasoline or fuel pump a sign in numerals and letters at least one (1) inch in height,~~
13 ~~reading: 3.785 liters equals 1 gallon.~~

14 ~~(g)~~ (b) Enforcement. In addition to all other penalties, remedies, or other
15 enforcement measures provided by law, violations of this section shall be subject to civil
16 penalties as provided by ~~Chapter~~ Section 8¹/₂-16 of the Broward County Code of
17 Ordinances, and penalties shall be imposed as set forth in the schedule of penalties
18 therein.

19 ~~(h) Scope of article. The provisions of this section shall be the exclusive~~
20 ~~regulations applicable to signs indicating the price of gasoline in Broward County, except~~
21 ~~where municipalities have enacted ordinances or rules and regulations governing signs~~
22 ~~indicating the price of gasoline.~~

23 Section 2. Section 8¹/₂-16 of the Broward County Code of Ordinances is hereby
24 amended to read as follows:

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 underscored type are additions.

1 ...
 2 (y) *Violations of Chapter 20, Signs Indicating Price of Gasoline and Liter-Gallon*
 3 *Equivalency Required:*

		Fine	
<i>Violation</i>		<i>First Violation</i>	<i>Repeat Violation</i>
(1)	Failing to display a sign that sets forth the highest price of gasoline for each grade of gasoline or diesel fuel sold (sec. 20-9(a)) <u>Displaying a sign that fails to comply with sec. 20-9(a)</u>	\$250.00	\$500.00
(2)	Failing to have the letters and numbers of required height (sec. 20-9(d))	250.00	500.00

13 ...
 14 Section 3. Severability.
 15 If any portion of this Ordinance is determined by any court to be invalid, the invalid
 16 portion will be stricken, and such striking will not affect the validity of the remainder of this
 17 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
 18 legally applied to any individual, group, entity, property, or circumstance, such
 19 determination will not affect the applicability of this Ordinance to any other individual,
 20 group, entity, property, or circumstance.

21 Section 4. Inclusion in the Broward County Code of Ordinances.
 22 It is the intention of the Board of County Commissioners that the provisions of this
 23 Ordinance become part of the Broward County Code of Ordinances as of the effective
 24 date. The sections of this Ordinance may be renumbered or relettered and the word

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1 "ordinance" may be changed to "section," "article," or such other appropriate word or
2 phrase to the extent necessary in order to accomplish such intention.

3 Section 5. Effective Date.

4 This Ordinance is effective as of the date provided by law.

5

6 ENACTED

PROPOSED

7 FILED WITH THE DEPARTMENT OF STATE

8 EFFECTIVE

9

10 Approved as to form and legal sufficiency:
11 Andrew J. Meyers, County Attorney

12

13 By /s/ Claudia Capdesuner 10/15/18
14 Claudia Capdesuner (date)
Assistant County Attorney

15

16 By /s/ Annika E. Ashton 10/15/18
17 Annika E. Ashton (date)
Senior Assistant County Attorney

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23 CC/hb
10/15/18
Gas Price Ord.doc
24 # 380126v4

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