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ORDINANCE NO. 2020-_____

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AN ORDINANCE OF ORANGE COUNTY, FLORIDA, AMENDING CHAPTER 28 (“NUISANCES”), ARTICLE III (“PARKING OF MOTOR VEHICLES ON RESIDENTIALLY AND AGRICULTURALLY ZONED PROPERTY”) AND CHAPTER 35 (“TRAFFIC”), ARTICLE I (“DEFINITIONS”), ARTICLE II (“ADMINISTRATION AND ENFORCEMENT”), ARTICLE III (“STOPPING, STANDING AND PARKING”) OF THE ORANGE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF

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ORANGE COUNTY, FLORIDA:

Section 1. Amendments; In General. Chapters 28 (“Nuisances”) and Chapter 35,

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(“Traffic”), are amended as set forth in Section 2 through Section 3 below, with additions being shown as underlines and deletions being shown as ~~struck through~~:

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Section 2. Amendments to Chapter 28, Nuisances.

Chapter 28 (“Nuisances”), Article III (“Parking of Motor Vehicles on Residentially and Agriculturally Zoned Property”) of the Orange County Code is hereby amended by the following changes to Sections 28-70 and 28-76:

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Sec. 28-70. Definitions.

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Enforcement officer shall mean ~~the county sheriff or any of his deputies, or any other~~ person designated by ~~resolution~~ of the board of county commissioners to enforce the provisions of this article.

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Sec. 28-76. Motor vehicles, if covered, required to be covered with standard cover unless parked in garage.

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34 Any motor vehicle which is parked on residentially zoned
or agriculturally zoned property, ~~including streets and right of~~
36 ~~ways in such zoned areas, and which is covered,~~ shall be covered
with nothing other than a standard cover, unless it is parked inside
a completely enclosed garage.

38 **Section 3. Amendments to Chapter 35, Traffic.** Chapter 35 (“Traffic”), Article I (“In
General”), Article II (“Administration & Enforcement”), and Article III (“Stopping, Standing, and
40 Parking”) of the Orange County Code are hereby amended by the following changes to Sections
35-1, 35-25, 35-43, 35-61, 35-62 and 35-63.

42 A. Section 35-1 of the Orange County Code is amended to read as follows:

44 **Sec. 35-1. Definitions.**

46 The definitions in ~~F.~~Section. §-316.003, Florida Statutes, apply to
this chapter. In addition, the following words, terms and phrases,
48 when used in this chapter, shall have the meanings ascribed to them
in this section, except where the context clearly indicates a different
meaning:

50 *Designated official* shall mean any county court judge or
civil traffic infraction hearing officer authorized by law to preside
52 over cases alleging the violation of civil traffic infractions or parking
violations to the extent such is permitted by Florida Statutes; ~~ch.~~
54 Chapter 318, as amended.

56 *Dual rear wheel vehicles* shall mean motor trucks, trailers,
semitrailers, tractor/trailer combinations and all other vehicles
operating over the public streets of the county and used as a means
58 of transporting persons or property and propelled by power other
than muscular power which have more than or are designed to have
60 more than four (4) weight-bearing wheels, ~~but not including, d~~ Dual
rear wheel pickup trucks ~~with one (1) ton or less load capacity, not~~
62 used for commercial purposes shall not be deemed to constitute a
64 dual rear wheel vehicle. A public service vehicle, such as a utility or
emergency service vehicle, shall not be deemed to constitute a dual
rear wheel vehicle when approved by the zoning manager.

66 *Emergency utility vehicle* shall mean any vehicle owned by
a public or private utility service which is used in the event of
68 emergencies.

70 *Financial counselor* is an employee of the Orange County
71 Clerk of the Circuit and County Courts who is assigned by a
72 designated official to consult with a person who has been ordered to
73 pay court imposed fines and/or costs and who claims the inability to
74 pay the same in a timely fashion. The financial counselor consults
with such person in order to determine and submit to the court a
payment plan under which such fines and/or costs can be paid.

76 *Fire lane* shall mean that area designated as a "no parking"
77 zone by the fire marshal or property owner to allow for use by fire
78 department and other emergency vehicles.

80 *Law enforcement officer* shall mean any officer authorized
81 to enforce parking regulations, including the county sheriff, any of
82 his or her deputies or parking enforcement specialists as described
83 in F.S. § Section 316.640, Florida Statutes, and officers of the state
84 authorized to enforce parking regulations, ~~and the supervisor and
inspectors of the county area improvement section of the county
zoning department.~~

86 *Multiple-family dwelling* shall mean a building designed or
87 used exclusively for residential occupancy by two (2) or more
88 families.

90 *Parking Enforcement Specialist* shall mean a person
employed by the Orange County Sheriff's Office as described in
Section 316.640(2)(c), Florida Statutes.

92 *Recreational vehicle* shall mean vehicular-type units
93 primarily designed as temporary living quarters for recreational,
94 camping or travel use, which either have their own motor power or
95 are mounted on or drawn by another motor vehicle, including travel
96 trailers, camping trailers, truck campers and motor homes.

98 *Right-of-way* shall mean a strip of land acquired by the state,
99 county or any municipality by reservation, dedication, forced
100 dedication, prescription, or condemnation, and intended to be
101 occupied or occupied by a road, crosswalk, sidewalk, bike path,
102 shared use path, electric transmission lines, oil or gas pipeline, water
pipeline, sanitary sewer, storm sewer, or other similar uses.

104 *Single-family dwelling* shall mean a building designed or
used exclusively for residential occupancy by only one (1) family.

106 *Vehicle* shall mean every device in, upon, or by which any
person or property is or may be transported or drawn upon a
roadway, which may include an automobile, truck, boat,
108 motorcycle, recreational vehicle, bus, autonomous vehicle, and/or

110 other motorized transport. This definition also shall be inclusive of
111 any trailer, transporter, or other vehicle accessory or component,
112 whether or not it is proximate or attached to a vehicle. This
definition excludes personal delivery devices, mobile carriers, and
devices used exclusively upon stationary rails or tracks.

114 B. Section 35-25 of the Orange County Code is amended to read as follows:

116 **Sec. 35-25. Removing, ~~impounding~~ illegally parked vehicles.**

118 (a) Whenever any law enforcement officer finds a vehicle
119 standing upon a street, right-of-way, bridge, or highway in violation
120 of ~~s~~Section 35-61, the officer is authorized to ~~move the vehicle, or~~
121 require the driver or other persons in charge of the vehicle to move
122 the same, to a position off the paved or main-traveled part of the
street or highway or to have the vehicle towed if the vehicle is
standing or parked in a designated tow away zone.

124 (b) Law enforcement Officers and parking enforcement
125 specialists are hereby authorized to provide for the ~~removal~~ towing
126 of any ~~abandoned~~ vehicle found unattended ~~to the nearest garage or~~
127 ~~other place of safety when such abandoned vehicle is found~~
128 ~~unattended upon a bridge or causeway or on any public street, right-~~
of-way, bridge, or highway in the following instances:

130 (1) Where such vehicle constitutes an
131 obstruction of traffic or blocks visibility such that it is a safety
132 hazard;

134 (2) Where such vehicle ~~has been parked or stored~~
135 ~~on the public right of way for a period exceeding forty eight (48)~~
136 ~~hours, in other than designated parking areas, and is within thirty~~
~~(30) feet of the pavement edge; and~~ is in violation of Section 35-
61(d);

138 (3) Where ~~an operative~~ such vehicle has been
139 ~~parked or stored on the public right of way for a period exceeding~~
140 ~~ten (10) days, in other than designated parking areas, and is more~~
141 ~~than thirty (30) feet from the pavement edge. However, the agency~~
142 ~~removing such vehicle shall be required to report same to the state~~
143 ~~department of highway safety and motor vehicles within twenty-~~
144 ~~four (24) hours of such removal.~~ is under a car cover or tarp.

146 (c) Any vehicle moved under the provisions of this
chapter which is a stolen vehicle shall not be subject to the
provisions hereof unless the moving authority has reported to the

148 state highway patrol the taking into possession of the vehicle within
twenty-four (24) hours of the moving of the vehicle.

150 (d) Whenever a law enforcement officer or parking
152 enforcement specialist ~~removes or causes to be removed~~ a vehicle
154 to be towed as authorized by this chapter and the officer knows or is
able to ascertain the name and address of the owner of the vehicle,
156 the law enforcement agency shall immediately give or cause to be
given notice in writing to such of the fact of such ~~removal~~ towing,
158 the reason therefor, and the place in which such vehicle is stored ~~in~~
~~a public garage~~. A copy of such notice shall be given to the
proprietor of the garage or other place of safety.

160 (e) The cost of towing ~~or removing~~ a vehicle impounded
under this chapter and the cost of storing the same shall be
chargeable against the owner of the vehicle and shall be a lien upon
162 the vehicle. The owner of the vehicle shall pay these charges before
the vehicle will be released. The vehicle may be stored in a public
164 or private place. If the vehicle is stored in a private place, the amount
charged for storage shall be the amount provided for by contract
166 between the private storage facility and the county, the sheriff, or
other law enforcement agency. If the vehicle is stored on county
168 property, the charges for storage shall be set by the board of county
commissioners by resolution. The charges to the owner for towing
170 shall be the amount provided for in any contract between the towing
company and the county, the sheriff or other law enforcement
172 agency.

174 C. Section 35-43 of the Orange County Code is amended to read as follows:

Section 35-43. Penalties.

176 (a) Any person issued a county parking violation notice
by a law enforcement officer shall be deemed to be charged with a
178 noncriminal violation and shall comply with the directions on the
notice.

180 (b) All county parking violation notices shall state in a
prominent place that the person receiving the notice may pay to the
182 board of county commissioners a civil penalty as provided on the
parking violation notice. The amount of such civil violation penalty
184 shall be as follows:

186 (1) Thirty dollars (\$30.00) for each violation of
any offense specified in subsections 35-63(a), 35-63(b) and section
188 35-66, ~~excepting any violation of subsection 35-63(a)(2)b., standing~~
~~or parking within fifteen (15) feet of a fire hydrant, and subsection~~

190 ~~35-63(a)(2)h., standing or parking in a fire lane, and subsection 35-~~
192 ~~63(a)(3), governing dual rear wheeled vehicles and subsection and~~
~~35-63(a)(5), right-of-way parking with "for sale", "for hire", or "for~~
~~lease" sign.~~

194 ~~(2) — Thirty dollars (\$30.00) for each violation of~~
~~subsection 35-63(a)(2)b., standing or parking within fifteen (15) feet~~
~~of a fire hydrant, or subsection 35-63(a)(2)h., standing or parking in~~
196 ~~a fire lane.~~

198 (32) Two hundred fifty dollars (\$250.00) for each
violation of any offense specified in section 35-464, entitled
"Handicapped parking."

200 ~~(4)(3)~~ Seven dollars and fifty cents (\$7.50) for
202 failure to display handicapped placard once proof of handicapped
placard is presented.

204 (54) One hundred dollars (\$100.00) for each
violation of subsection 35-63(a)(5), parking in the right-of-way with
a "for sale", "for hire", or "for lease" sign.

206 (5) One hundred fifty dollars (\$150.00) for each
208 violation of subsection 35-63(a)(3), governing dual rear wheeled
vehicles.

210 D. Section 35-61 of the Orange County Code is amended to read as follows:

Sec. 35-61. General restriction.

212 (a) No person shall stop, park, or leave standing any vehicle,
214 whether attended or unattended, ~~such that less than upon the paved~~
~~or main traveled part of the street or highway when it is practicable~~
216 ~~to stop, park, or so leave the vehicle off such part of the street or~~
~~highway; but in every event an unobstructed width of the street or~~
218 ~~highway opposite a standing vehicle twenty (20) feet or the~~
~~minimum required by the most current version of the Florida Fire~~
~~Prevention Code shall be left for the free passage of fire rescue and~~
220 ~~other vehicles. , and a clear view of the stopped vehicle shall be~~
~~available from a distance of two hundred (200) feet in each direction~~
222 ~~upon the street or highway.~~

224 (b) No person shall stop, park or leave standing any
vehicle, whether attended or unattended, in any public area
designated and marked with signage as a tow away zone.

226 (c) This section shall not apply to the driver or owner of
228 any vehicle which is disabled while on the paved or main-traveled
230 portion of a street or highway in such manner and to such extent that
232 it is impossible to avoid stopping and temporarily leaving the
disabled vehicle in such position, or to passenger-carrying buses
temporarily parked while loading or discharging passengers, where
street or highway conditions render such parking off the paved
portion of the street or highway hazardous or impractical.

234 (d) No person shall park or leave any vehicle on a public
236 right-of-way without a license plate that is registered to the vehicle
238 consistent with applicable provisions of Section 316.605, Florida
240 Statutes for a period exceeding seventy-two (72) hours. The agency
causing the removal of such vehicle shall be required to report same
to the state department of highway safety and motor vehicles within
twenty-four (24) hours of such removal.

E. Section 35-62 of the Orange County Code is amended to read as follows:

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Sec. 35-62. Manner of parking.

244 (a) Unless otherwise provided herein, every vehicle stopped or
246 parked upon a two-way roadway shall be so stopped or parked with
the right-hand wheels parallel to and within twelve (12) inches of
the right-hand curb or edge of roadway.

248 (b) Every vehicle stopped or parked upon a one-way
250 roadway shall be so stopped or parked parallel to the curb or edge
252 of the roadway, in the direction of authorized traffic movement, with
its right-hand wheels within twelve (12) inches of the right-hand
curb or edge of the roadway, or its left wheels within twelve (12)
inches of the left-hand curb or edge of the roadway.

254 (c) Upon a street marked or designated for angle or
256 perpendicular parking, a vehicle shall be parked at the angle to the
curb indicated by such mark or designation.

F. Section 35-63 of the Orange County Code is amended to read as follows:

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Sec. 35-63. Prohibited in specified places.

260 (a) Except when necessary to avoid conflict with other
262 traffic, or in compliance with law or the directions of a law
enforcement officer or official traffic-control devices, no person
shall:

264 (1) Stop, stand, or park a vehicle:

- 266 a. On the roadway side of any vehicle
stopped or parked at the edge or curb of a street.
- 268 b. On a sidewalk.
- c. Within an intersection.
- d. On a crosswalk.
- 270 e. Between a safety zone and the
272 adjacent curb or within thirty (30) feet of points on the curb
immediately opposite the ends of a safety zone, unless the board of
274 county commissioners or department of transportation indicates a
different length by signs or markings.
- 276 f. Alongside or opposite any street
excavation or obstruction when stopping, standing, or parking
would obstruct traffic.
- 278 g. Upon any bridge or other elevated
structure upon a street or highway.
- 280 h. On any railroad tracks.
- i. On a bicycle or shared use path.
- 282 j. At any place where official traffic-
control devices prohibit stopping.
- 284 k. On the roadway or shoulder of a limited
286 access facility, except as provided by regulation of the state
department of transportation, or on the paved portion of a
288 connecting ramp; except that a vehicle which is disabled or in a
condition improper to be driven as a result of mechanical failure or
290 accident may be parked on such shoulder for a period not to exceed
six (6) hours. This provision is not applicable to a person stopping a
292 vehicle to render aid to an injured person or assistance to a disabled
vehicle in obedience to the directions of a law enforcement officer
294 or to a person stopping a vehicle in compliance with applicable
traffic laws.
- 296 l. For the purpose of loading or unloading
a passenger on the paved roadway or shoulder of a limited access
298 facility or on the paved portion of any connecting ramp. This
provision is not applicable to a person stopping a vehicle to render
aid to an injured person or assistance to a disabled vehicle.

300 m. In any parking space specifically
302 designated for charging an electric vehicle if the vehicle is not
capable of using an electrical recharging station, consistent with
Section 366.94, Florida Statutes.

304 n. At any place where County signs are
posted that prohibit parking.

306 (2) Stand or park a vehicle, whether occupied or
not, except momentarily to pick up or discharge a passenger or
308 passengers:

310 a. In front of a public or private
driveway.

312 b. Within fifteen (15) feet of a fire
hydrant.

314 c. Within twenty (20) feet of a crosswalk
at an intersection or midblock crossing.

316 d. Within thirty (30) feet upon the
approach to any flashing signal, stop sign, or traffic-control signal
located at the side of a roadway.

318 e. Within twenty (20) feet of the
driveway entrance to any fire station and on the side of a street
320 opposite the entrance to any fire station within seventy-five (75) feet
of such entrance (when property signposted).

322 f. On an exclusive bicycle lane.

324 g. At any place where official signs or
traffic-control devices prohibit standing.

h. In a fire lane.

326 i. Blocking access to a mailbox of a
328 residence, mailbox of a business, community mailbox unit, or
package delivery locker between the hours of 8 a.m. and 6 p.m.
when said mailbox or locker is directly adjacent to the roadway.

330 (3) ~~Park or store a motor vehicle with dual rear~~
~~wheelers vehicle on any street or right-of-way in any area of the~~
332 ~~unincorporated area of the county zoned for multiple family~~
~~dwellings and/or single family dwellings, including streets and~~
334 ~~rights-of-way, except temporarily while actually engaged in~~
~~providing emergency utility services to an area, loading or~~

336 unloading persons or property, or actively providing a service on an
338 adjacent property, such as landscaping, construction, or repair
services. This prohibition section shall not apply to the parking or
340 storing of recreational vehicles, parking of which is governed by
chapter 38 (zoning), or emergency utility vehicles upon private
property.

342 (4) Park a vehicle, whether occupied or not,
except temporarily for the purpose of, and while actually engaged
344 in, loading or unloading merchandise or passengers:

346 a. Within fifty (50) feet of the nearest
rail of a railroad crossing unless the department of transportation
establishes a different distance due to unusual circumstances.

348 b. At any place where official signs or
traffic-control devices prohibit parking.

350 (5) Park a vehicle on the unpaved portion of any
right-of-way with a "for sale," "for hire" or "for lease" sign or other
352 indicia of offering the vehicle for sale, lease, hire, or trade.

354 (6) Park a vehicle, whether occupied or not, on
any street or portion of a street designated and marked with signage
as a tow away zone.

356 (7) Park a vehicle in more than one marked
parking space or outside of marked parking spaces on any County
358 roadway with designated on-street parking, whether metered or
unmetered, except temporarily while actually engaged in providing
360 a service on adjacent or nearby property, excluding vehicles that
have modifications to accommodate disabled person that may
362 extend into another parking space.

364 (8) Park a trailer in the public right-of-way
except temporarily while actually engaged in loading or unloading
366 persons or property or while actively providing a service on the
property, such as landscaping, construction, or repair services.

368 (9) Park a recreational vehicle in the right-of-
way of any Orange County street or highway for more than seventy-
two (72) hours.

370 (b) No person shall move a vehicle not lawfully under his
372 or her control into any such prohibited area or away from a curb
such a distance as is unlawful.

374 *Section 4. Effective date.* This ordinance shall become effective November 2,
2020.

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ADOPTED THIS ____ DAY OF _____, 2020.

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ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

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By: _____

Jerry L. Demings,

Orange County Mayor

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ATTEST: Phil Diamond, CPA, County Comptroller

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As Clerk of the Board of County Commissioners

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By: _____

Deputy Clerk

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