




Interoffice Memorandum

August 7, 2020

TO: Mayor Jerry L. Demings  
— AND —  
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director   
Planning, Environmental, and Development  
Services Department

**CONTACT PERSON: Alan Marshall, Assistant to the Director  
Planning, Environmental, and Development Services  
(407) 836-5884**

SUBJECT: September 1, 2020 – Public Hearing  
Chapter 28. Nuisance and Chapter 35. Traffic  
Related to Parking Enforcement

Orange County Sheriff's Office (Sheriff's Office) staff routinely receives and responds to a wide variety of parking complaints, a great majority of which relate to vehicles parking within county right-of-way. Examples include damaged vehicles from auto accidents being dropped in front of a residence, trailers and RV's stored on grassy roadsides, or semi tractors and other large trucks parked in all manner of roadside locations. Sheriff Deputies and parking enforcement officers typically respond to these complaints, but have had difficulty reaching resolution due to limitations in the current standards.

On July 28, 2020, staff held a work session with the Board on parking enforcement issues that provided a refresher on Board direction from two previous work sessions in 2018 and 2019, relating to neighborhood parking problems, along with a summary of the remaining countywide standards needed to resolve the current issues.

Subsequent to that work session, staff has completed development of Chapter 35 code provisions that provide additional restrictions to parking or storing vehicles within county right-of-way and specific changes that allow for more effective enforcement. Several proposed changes relate to specific direction from the Board discussions on dual rear wheel vehicle parking in residential areas and ensuring clear access paths for emergency vehicles in neighborhoods challenged with excessive street parking. Additionally, staff has proposed an increased fine amount for right-of-way violations involving dual rear wheel vehicles. Several changes have been made to Chapter 28. Nuisances to provide clarity for enforcement and to comply with changes made in Chapter 35.

Page Two  
September 1, 2020 – Public Hearing  
Chapter 28. Nuisance and Chapter 35. Traffic  
Related to Parking Enforcement

**ACTION REQUESTED: Adoption of amendments to Orange County Code, Chapter 28. Nuisances, and Chapter 35. Traffic, relating to parking enforcement. All Districts**

JWW/AM:fb  
Attachment

C: Byron W. Brooks, AICP, County Administrator  
Chris Testerman, AICP, Deputy County Administrator  
Joe Kunkel, P.E., Director, Public Works Department  
Diana Almodovar, Deputy Director, Public Works Department  
Major Robert Anzueto, Orange County Sheriff's Office

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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.**

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  
dual rear wheel vehicle. A public service vehicle, such as a utility or  
64 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  
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,  
100 county or any municipality by reservation, dedication, forced  
dedication, prescription, or condemnation, and intended to be  
102 occupied or occupied by a road, crosswalk, sidewalk, bike path,  
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  
to be towed as authorized by this chapter and the officer knows or is  
154 able to ascertain the name and address of the owner of the vehicle,  
the law enforcement agency shall immediately give or cause to be  
156 given notice in writing to such of the fact of such ~~removal~~ towing,  
the reason therefor, and the place in which such vehicle is stored ~~in~~  
158 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  
162 chargeable against the owner of the vehicle and shall be a lien upon  
the vehicle. The owner of the vehicle shall pay these charges before  
164 the vehicle will be released. The vehicle may be stored in a public  
or private place. If the vehicle is stored in a private place, the amount  
166 charged for storage shall be the amount provided for by contract  
between the private storage facility and the county, the sheriff, or  
168 other law enforcement agency. If the vehicle is stored on county  
property, the charges for storage shall be set by the board of county  
170 commissioners by resolution. The charges to the owner for towing  
shall be the amount provided for in any contract between the towing  
172 company and the county, the sheriff or other law enforcement  
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  
35-66, ~~excepting any violation of subsection 35-63(a)(2)b., standing~~  
188 ~~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~~  
196 ~~of a fire hydrant, or subsection 35-63(a)(2)h., standing or parking in~~  
~~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  
220 Prevention Code shall be left for the free passage of fire rescue and  
other vehicles, and a clear view of the stopped vehicle shall be  
222 available from a distance of two hundred (200) feet in each direction  
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.

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

**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.

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

**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.
- b. On a sidewalk.
- 268 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  
308 not, except momentarily to pick up or discharge a passenger or  
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~~  
332 ~~wheeled vehicle on any street or right-of-way in any area of the~~  
~~unincorporated area of the county zoned for multiple-family~~  
334 ~~dwelling and/or single-family dwellings, including streets and~~  
~~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,  
344 except temporarily for the purpose of, and while actually engaged  
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  
352 right-of-way with a "for sale," "for hire" or "for lease" sign or other  
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  
358 parking space or outside of marked parking spaces on any County  
roadway with designated on-street parking, whether metered or  
360 unmetered, except temporarily while actually engaged in providing  
a service on adjacent or nearby property, excluding vehicles that  
362 have modifications to accommodate disabled person that may  
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.

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

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

By: \_\_\_\_\_  
Jerry L. Demings,  
Orange County Mayor

**ATTEST:** Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

S:\Stone\Ordinances\Parking Enforcement\Ord Amending Ch 28 and Ch 35 Draft 014 (Clean Copy) updated 08-11-20 CLEAN.docx