

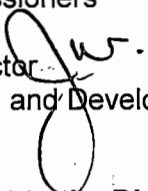


Interoffice Memorandum

AGENDA ITEM

July 1, 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: July 28, 2020 – Work Session
Parking Enforcement

Orange County Sheriff's Office (Sheriff's Office) staff routinely receives a wide variety of parking complaints, a great majority of which relate to vehicles parking within county right-of-way. Common 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. This has proven to be a countywide problem.

Sheriff's Office Deputies and parking enforcement officers typically respond to these complaints, but have had difficulty reaching resolution due to limitations in the current Chapter 35 standards. A team of staff from the Sheriff's Office and the Public Works Department have studied these challenges and developed a variety of code changes that empower the enforcement officers and provide better guidance to residents on improper parking.

In addition to the proposed standards for the Sheriff's Office, staff has now completed development of code provisions that relate to previous 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.

This work session will cover the current code standards, incidents data, proposed code changes, a summary, and next steps. A draft of the proposed ordinance changes is provided.

This item is for informational purposes; no action is required by the Board.

JVW/AM:fb

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

ORDINANCE NO. 2020-_____

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.

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

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

Section 2. Amendments to Chapter 28, Nuisances.
Section 28-70 of the Orange County Code is amended to read as follows:

Sec. 28-70. Definitions.

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.

Section 3. Amendments to Chapter 35, Traffic.

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

32 **Sec. 35-1. Definitions.**

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

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

44 *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
46 of transporting persons or property and propelled by power other
than muscular power which have more than or are designed to have
48 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~~
50 used for commercial purposes shall not be deemed to constitute a
52 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.

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

58 *Financial counselor* is an employee of the Orange County
Clerk of the Circuit and County Courts who is assigned by a
designated official to consult with a person who has been ordered to
60 pay court imposed fines and/or costs and who claims the inability to
pay the same in a timely fashion. The financial counselor consults
62 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.

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

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

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

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

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

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

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

Vehicle shall mean every device in, upon, or by which any
94 person or property is or may be transported or drawn upon a
roadway, which may include an automobile, truck, boat,
96 motorcycle, recreational vehicle, bus, autonomous vehicle, and/or
other motorized transport. This definition also shall be inclusive of
98 any trailer, transporter, or other vehicle accessory or component,
whether or not it is proximate or attached to a vehicle. This
100 definition excludes personal delivery devices, mobile carriers, and
devices used exclusively upon stationary rails or tracks.

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

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

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

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

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

120 (2) Where such vehicle has been parked or stored on
the public right of way for a period exceeding forty eight (48)
122 hours, in other than designated parking areas, and is within thirty
(30) feet of the pavement edge; and is in violation of Section 35-
124 61(d);

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

132 (c) Any vehicle moved under the provisions of this
chapter which is a stolen vehicle shall not be subject to the
134 provisions hereof unless the moving authority has reported to the
state highway patrol the taking into possession of the vehicle within
136 twenty-four (24) hours of the moving of the vehicle.

138 (d) Whenever a law enforcement officer or parking
enforcement specialist removes or causes to be removed a vehicle
to be towed as authorized by this chapter and the officer knows or is
140 able to ascertain the name and address of the owner of the vehicle,
the law enforcement agency shall immediately give or cause to be
142 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
144 a public garage. A copy of such notice shall be given to the
proprietor of the garage or other place of safety.

146 (e) The cost of towing or removing a vehicle impounded
under this chapter and the cost of storing the same shall be
148 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
150 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
152 charged for storage shall be the amount provided for by contract
between the private storage facility and the county, the sheriff, or
154 other law enforcement agency. If the vehicle is stored on county
property, the charges for storage shall be set by the board of county

156 commissioners by resolution. The charges to the owner for towing
157 shall be the amount provided for in any contract between the towing
158 company and the county, the sheriff or other law enforcement
agency.

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

162 **Section 35-43. Penalties.**

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

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

172 (1) Thirty dollars (\$30.00) for each violation of
173 any offense specified in subsections 35-63(a), 35-63(b) and section
174 35-66, ~~excepting any violation of subsection 35-63(a)(2)b., standing~~
175 ~~or parking within fifteen (15) feet of a fire hydrant, and subsection~~
176 ~~35-63(a)(2)h., standing or parking in a fire lane, and subsection 35-~~
177 ~~63(a)(3), governing dual rear wheeled vehicles and subsection and~~
178 35-63(a)(5), right-of-way parking with "for sale", "for hire", or "for
lease" sign.

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

184 ~~(3) Two hundred fifty dollars (\$250.00) for each~~
185 ~~violation of any offense specified in section 35-464, entitled~~
186 ~~"Handicapped parking," or subsection 35-63(a)(3), governing dual~~
187 ~~rear wheeled vehicles.~~

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

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

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

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Sec. 35-61. General restriction.

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(a) No person shall stop, park, or leave standing any vehicle, whether attended or unattended, ~~such that less than upon the paved or main-traveled part of the street or highway when it is practicable 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 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 other vehicles, , and a clear view of the stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon the street or highway.

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(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.

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(c) This section shall not apply to the driver or owner of any vehicle which is disabled while on the paved or main-traveled portion of a street or highway in such manner and to such extent that 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.

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(d) No person shall park or leave any vehicle on a public right-of-way without a license plate that is registered to the vehicle consistent with applicable provisions of Section 316.605, Florida 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.

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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.

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(a) Unless otherwise provided herein, every vehicle stopped or 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.

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240 (b) Every vehicle stopped or parked upon a one-way
242 roadway shall be so stopped or parked parallel to the curb or edge
244 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.

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

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

250 **Sec. 35-63. Prohibited in specified places.**

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

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

256 a. On the roadway side of any vehicle
stopped or parked at the edge or curb of a street.

258 b. On a sidewalk.

c. Within an intersection.

260 d. On a crosswalk.

262 e. Between a safety zone and the
adjacent curb or within thirty (30) feet of points on the curb
immediately opposite the ends of a safety zone, unless the board of
264 county commissioners or department of transportation indicates a
different length by signs or markings.

266 f. Alongside or opposite any street
excavation or obstruction when stopping, standing, or parking
268 would obstruct traffic.

270 g. Upon any bridge or other elevated
structure upon a street or highway.

h. On any railroad tracks.

272 i. On a bicycle or shared use path.

274 j. At any place where official traffic-
control devices prohibit stopping.

276 k. On the roadway or shoulder of a limited
access facility, except as provided by regulation of the state
department of transportation, or on the paved portion of a

278 connecting ramp; except that a vehicle which is disabled or in a
280 condition improper to be driven as a result of mechanical failure or
282 accident may be parked on such shoulder for a period not to exceed
284 six (6) hours. This provision is not applicable to a person stopping a
vehicle to render aid to an injured person or assistance to a disabled
vehicle in obedience to the directions of a law enforcement officer
or to a person stopping a vehicle in compliance with applicable
traffic laws.

286 l. For the purpose of loading or unloading
288 a passenger on the paved roadway or shoulder of a limited access
290 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.

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

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

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

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

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

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

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

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

f. On an exclusive bicycle lane.

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

316 h. In a fire lane.

318 i. Blocking access to a mailbox of a
residence, mailbox of a business, community mailbox unit, or

320 package delivery locker between the hours of 8 a.m. and 6 p.m when
321 said mailbox or locker is directly adjacent to the roadway.

322 (3) Park or store a ~~motor vehicle with dual rear~~
323 wheeled vehicle on any street or right-of-way in any area of the
324 unincorporated area of the county ~~zoned for multiple family~~
325 ~~dwelling and/or single family dwellings, including streets and~~
326 ~~rights-of-way, except temporarily while actually engaged in~~
327 ~~providing emergency utility services to an area, loading or~~
328 ~~unloading persons or property, or actively providing a service on an~~
329 ~~adjacent property, such as landscaping, construction, or repair~~
330 ~~services. This prohibition section shall not apply to the parking or~~
331 ~~storing of recreational vehicles, parking of which is governed by~~
332 ~~chapter 38 (zoning), or emergency utility vehicles upon private~~
property.

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

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

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

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

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

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

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

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

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

Section 4. Effective date. This ordinance shall become effective pursuant to
general law.

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

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