

BCC Mtg. Date: September 1, 2020

Effective Date: November 2, 2020

ORDINANCE NO. 2020-24

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.

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:

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.

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

Any motor vehicle which is parked on residentially zoned or agriculturally zoned property, ~~including streets and right of~~

~~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.

Section 3. Amendments to Chapter 35, Traffic. Chapter 35 (“Traffic”), Article I (“In General”), Article II (“Administration & Enforcement”), and Article III (“Stopping, Standing, and 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.

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

Sec. 35-1. Definitions.

The definitions in ~~F-Section. §-316.003, Florida Statutes,~~ 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:

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

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

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

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 pay court imposed fines and/or costs and who claims the inability to 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.

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 department and other emergency vehicles.

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 in F.S. § Section 316.640, Florida Statutes, and officers of the state authorized to enforce parking regulations, ~~and the supervisor and inspectors of the county area improvement section of the county zoning department.~~

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

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.

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

Right-of-way shall mean a strip of land acquired by the state, county or any municipality by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be 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.

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

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, motorcycle, recreational vehicle, bus, autonomous vehicle, and/or other motorized transport. This definition also shall be inclusive of any trailer, transporter, or other vehicle accessory or component.

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:

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

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

(a) Whenever any law enforcement officer finds a vehicle 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~~ 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 street or highway or to have the vehicle towed if the vehicle is standing or parked in a designated tow away zone.

(b) Law enforcement Officers and parking enforcement specialists are hereby authorized to provide for the ~~removal~~ towing of any abandoned vehicle found unattended ~~to the nearest garage or 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:~~

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

(2) Where such vehicle ~~has been parked or stored on the public right-of-way for a period exceeding forty eight (48) 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);

(3) Where an ~~operative~~ such vehicle ~~has been parked or stored on the public right-of-way for a period exceeding ten (10) 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 of highway safety and motor vehicles within twenty-four (24) hours of such removal.~~ is under a car cover or tarp.

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

(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 able to ascertain the name and address of the owner of the vehicle, the law enforcement agency shall immediately give or cause to be 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 a public garage~~. A copy of such notice shall be given to the proprietor of the garage or other place of safety.

(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 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 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 between the private storage facility and the county, the sheriff, or other law enforcement agency. If the vehicle is stored on county property, the charges for storage shall be set by the board of county commissioners by resolution. The charges to the owner for towing shall be the amount provided for in any contract between the towing company and the county, the sheriff or other law enforcement agency.

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

Section 35-43. Penalties.

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

(b) All county parking violation notices shall state in a prominent place that the person receiving the notice may pay to the 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:

(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 or parking within fifteen (15) feet of a fire hydrant, and subsection 35-63(a)(2)h., standing or parking in a fire lane, and subsection 35-63(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.

~~(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 a fire lane.~~

~~(3) Two hundred fifty dollars (\$250.00) for each violation of any offense specified in section 35-464, entitled "Handicapped parking." [Editorial note: The first "4" in "Section 35-464" is being deleted.]~~

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

~~(5) 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.~~

~~(6) One hundred fifty dollars (\$150.00) for each violation of subsection 35-63(a)(3), governing dual rear wheeled vehicles.~~

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

Sec. 35-61. General restriction.

(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.~~

(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.

(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.

(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.

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

Sec. 35-62. Manner of parking.

(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.

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

(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.

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

Sec. 35-63. Prohibited in specified places.

(a) Except when necessary to avoid conflict with other 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:

- a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- b. On a sidewalk.
- c. Within an intersection.
- d. On a crosswalk.
- 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 county commissioners or department of transportation indicates a different length by signs or markings.
- f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
- g. Upon any bridge or other elevated structure upon a street or highway.
- h. On any railroad tracks.
- i. On a bicycle or shared use path.
- j. At any place where official traffic-control devices prohibit stopping.
- 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 connecting ramp; except that a vehicle which is disabled or in a condition improper to be driven as a result of mechanical failure or 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 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.
- l. For the purpose of loading or unloading a passenger on the paved roadway or shoulder of a limited access 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.

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 Section 366.94, Florida Statutes.

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

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

a. In front of a public or private driveway.

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

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

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.

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 of such entrance (when property signposted).

f. On an exclusive bicycle lane.

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

h. In a fire lane.

i. Blocking access to a mailbox of a 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.

(3) Park or store a motor vehicle with dual rear wheels vehicle on any street or right-of-way in any area of the unincorporated area of the county zoned for multiple family dwellings 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

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

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

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.

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

(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 indicia of offering the vehicle for sale, lease, hire, or trade.

(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.

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

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

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

(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 November 2, 2020.

ADOPTED THIS _____ DAY OF SEP 01 2020, 2020.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: Jerry L. Demings
for Jerry L. Demings,
Orange County Mayor

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

By: Phil Diamond
Deputy Clerk

