

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT*	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget:		Yes _____		No _____	
Does this items include use of federal funds?		Yes _____		No _____	
Budget Account No: Fund _____ Dept _____ Unit _____ Object _____ Program _____					

B. Recommended Sources of Funds/Summary of Fiscal Impact:

*This item has no fiscal impact. Revenues from parking operations are incorporated into FDO's annual operating budget and allocated to revenue accounts 0001/410/5250/4450 and 0001/410/5250/4451. In FY22, total revenues received from parking fees amounted to \$303,689.62.

C. Departmental Fiscal Review: *Karen Sheer*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Laura Mante 10/24/22
OFMB *JA 10/21* *ESW* 10-21-22

Dr. S. Jacobson 10/26/22
Contract Development and Control

B. Legal Sufficiency:
[Signature] 10/26/22
Assistant County Attorney

C. Other Department Review:
Daniel Z. [Signature]
Department Director

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 19-20 OF THE PALM BEACH COUNTY CODE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (“Board”) enacted Ordinance No. 2006-008, “The Palm Beach County Parking Ordinance” (the “Parking Ordinance”), which, among other things, authorized the County Engineer to determine and designate traffic restrictions on certain roads within the boundaries of County, and, subject to resolution of the Board, to establish parking regulations in parking areas located on property owned or leased by the County, whether or not such parking areas are located within the boundaries of a municipality; and

WHEREAS, the Board has deemed it necessary to amend the Parking Ordinance to recognize that the County Engineer may delegate his/her authority to establish parking regulations to other County departments.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

ARTICLE 1. Sec. 19-20 of the Palm Beach County Code is hereby amended as follows:

Sec. 19-20. - County engineer to designate parking restrictions on county roads.

The county engineer is hereby authorized to determine and designate traffic restrictions which are reasonable and conform to the state department of transportation criteria and necessary for the welfare of the public on county roads or roads over which the county has jurisdiction for traffic control, traffic regulation and stopping, standing and parking within the boundaries of the county. Notwithstanding the above, the county shall have original jurisdiction to regulate parking, by resolution of the board of county commissioners, and thereafter the county engineer, or his or her designee, is hereby authorized to establish such

34 parking regulations in parking areas located on property owned or leased by the county
35 including airports, whether or not such parking areas are located within the boundaries of
36 a municipality. Such restrictions shall include but are not limited to the following:

- 37 (1) All night parking.
- 38 (2) Angle parking.
- 39 (3) Parking on the left side of a one-way street or highway.
- 40 (4) Parking on one-way streets.
- 41 (5) Parking in hazardous places.
- 42 (6) Curb loading zones.
- 43 (7) Bus stops, taxi stands, etc.
- 44 (8) Prohibited parking.
- 45 (9) Limited parking.
- 46 (10) Parking meter locations.

47
48 **ARTICLE 2. REPEAL OF LAWS AND ORDINANCES IN**
49 **CONFLICT:**

50 All local laws and ordinances in conflict with any provision of this Ordinance
51 are hereby repealed to the extent of any such conflict.

52 **ARTICLE 3. SEVERABILITY:**

53 If any provision, article, paragraph, sentence, clause, phrase, or work of this
54 Ordinance is for any reason held by a court to be unconstitutional, inoperative, or
55 void, such holding shall not affect the remainder of this Ordinance.

56 **ARTICLE 4. CAPTIONS:**

57 The captions, sections headings, and section designations used in this
58 Ordinance are for convenience only and shall have no effect on the interpretation of
59 the provisions of this Ordinance.

60 **ARTICLE 5. SAVINGS CLAUSE:**

61 Notwithstanding anything to the contrary, all provisions of Ordinance No. 2006-
62 008, which are codified in Sections 19-16 through 19-24 of the Palm Beach County Code,
63 are specifically preserved and remain in full force and effect for the limited purpose of
64 enforcing any alleged violations of said Code which occurred prior to its amendment.

ATTACHMENT 2

DIVISION 1. - PARKING^[3]

Footnotes:

--- (3) ---

Editor's note— Ord. No. 06-008, §§ 1—9, adopted March 14, 2006, amended the Code by repealing former div. 1, §§ 19-16—19-40, and adding a new div. 1. Former div. 1 pertained to general parking regulations, and derived from Ord. No. 72-21, adopted October 31, 1972; and Ord. No. 90-37, adopted October 16, 1990.

Sec. 19-16. - Title.

This division shall be cited as the "Palm Beach County Parking Ordinance."

(Ord. 06-008, § 1, 3-14-06)

Sec. 19-17. - Authority.

This division is adopted pursuant to the authority granted to charter counties under Article VIII, Section 1(g) of the State of Florida Constitution, F.S. ch. 125, F.S. § 316.008, et seq., regarding the powers of local authorities, and F.S. ch. 318, regarding disposition of traffic infractions.

(Ord. 06-008, § 2, 3-14-06)

Sec. 19-18. - Application of provisions.

The provisions of this division regulating the stopping, standing or parking of a vehicle shall be in effect in:

- (1) Streets or highways, roads, right-of-way and roadways in the unincorporated areas of the county;
- (2) Parking and circulation areas other than county roads within unincorporated the county;
- (3) County-owned parking facilities and in parking areas located on property owned or leased by the county, whether or not such parking areas are located within the boundaries of a municipality upon adoption of a resolution;
- (4) Within the boundaries of county airport(s) or over which the county has statutory jurisdiction for purposes of traffic control; and
- (5) Schools with parking zones or areas owned or leased by the county, over which the county has parking jurisdiction.

This division shall apply at all times or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer, parking enforcement specialist, traffic assistant or official traffic control device. The regulations set forth in this division do not impact municipalities' land use and zoning authority.

(Ord. 06-008, § 3, 3-14-06)

Sec. 19-19. - Definitions.

Airports. Palm Beach County International Airport, Palm Beach County Park Airport, Palm Beach County Glades Airport and North County General Aviation Airport.

Alley. Every street or way within a block set apart for public use, vehicular travel and local convenience, except foot paths.

Attended vehicle. Any motor vehicle occupied or attended by a licensed driver capable of operating a vehicle.

Authorized emergency vehicle. Vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, or such others as are designated or authorized by the board of county commissioners of the county, or the county sheriff's office.

Bicycle lane. A portion of a roadway that has been designated by signs and pavement markings for preferential or exclusive use by bicyclists.

Bicycle path. Any road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.

Bus. Any motor vehicle designed for carrying more than ten (10) passengers, other than a taxicab, designed and used for the transportation of persons for compensation.

Bus stand. A fixed area in the roadway parallel and adjacent to the curb or edge of pavement to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.

Business district. The territory contiguous to a street when fifty (50) percent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

Clerk. The clerk and comptroller, in and for the county.

Clerk and comptroller parking violation bureau. A payment and enforcement contractual program administered through the clerk and comptroller's office to maximize collection of fines and costs and to facilitate uniformity of parking violation procedures in the county.

Commercial motor vehicle. Any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:

- (1) Has a gross vehicle weight rating of ten thousand (10,000) pounds or more;
- (2) Is designed to transport more than fifteen (15) passengers, including the driver; or
- (3) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. §§ 1801 et seq.).

County roads. Any roads, including streets, highway, roadways or rights-of-way, owned or maintained by the county or under the statutory jurisdiction of the county for traffic control purposes.

County road system. All collector roads in the unincorporated areas of the county and all extensions of such collector roads into and through any incorporated areas, all local roads in the unincorporated areas, and all urban minor arterial roads not in the state highway system.

Crosswalk.

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Curb loading zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Department. The department of highway safety and motor vehicles (DHSMV).

Double parking, double standing or double stopping. The parking, standing or stopping of a vehicle upon the roadway side of another vehicle parking, standing or stopping, but not legally within or adjacent to an open parking space.

Driver or operator. Every person who drives or is in actual physical control of a vehicle on a highway or street or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.

Freight loading zone. A space adjacent to a curb or the edge of pavement for the exclusive use of vehicles during the loading or unloading of freight.

House trailer.

- (1) A trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or
- (2) A trailer or a semitrailer the chassis and exterior shell of which is designed and constructed for use as a house trailer, as defined in paragraph (1), but which is used instead, permanently or temporarily, for the advertising, sales, display, or promotion of merchandise or services or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

Intersection.

- (1) The area embraced within the prolongation or connection of the lateral curblines; or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (2) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

Laned roadway or highway. A roadway or highway the surface of which is divided into two or more clearly marked lanes for vehicular traffic.

Law enforcement agent. Any person authorized to direct or regulate traffic or to issue citations for violations of traffic regulations, including police officers, parking enforcement specialists, municipal officers, traffic assistants, or state highway patrol officers.

Limited access facility. A street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement, or only a limited right or easement, of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways from which trucks, buses, and other commercial vehicles are excluded; or they may be freeways open to use by all customary forms of street and highway traffic.

Local authorities. Includes all officers and public officials of the county and the municipalities of the county.

Motorcycle. Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor or a moped.

Motor vehicle. Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle or moped.

Official traffic control devices. All signs, signals, markings and devices not inconsistent with this division, placed or erected in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) by local authority.

Official traffic control signal. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Operator. Any person who is in actual physical control of a motor vehicle upon the street, highway, road, roadway right-of-way or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner. A person who holds the legal title of a vehicle, or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, or lessee, or mortgagor shall be deemed the owner, for the purposes of this division.

Park or parking. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law.

Parking meter. A mechanical timing device authorized by this division to be used for the purpose of regulating parking, and which is actuated by the insertion of a coin.

Passenger curb loading zone. An area adjacent to a curb or edge of roadway reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Pedestrian. Any person afoot.

Person. Any natural person, firm, copartnership, association, or corporation.

Police officer. Any officer authorized to enforce the laws of the county and the state including highway patrolmen, municipal police officers, sheriffs and deputy sheriffs.

Private road or driveway. Any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Railroad. A carrier of persons or property upon cars operated upon stationary rails.

Railroad sign or signal. Any sign, signal, or device erected by authority of a public body or official, or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Railroad train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except a streetcar.

Residence district. The territory contiguous to, and including, a highway, not comprising a business district, when the property on such highway, for a distance of three hundred (300) feet or more, is, in the main, improved with residences or residences and buildings in use for business.

Right-of-way. Land in which the state, the state department of transportation, a county or a municipality owns the fee or has an easement devoted to or required for the use as a public road.

Road. A way open to travel by the public, including but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.

Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein refers to any such roadway separately, but not to all such roadways collectively.

Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or so marked by adequate signs or authorized pavement markings as to be plainly visible at all times while set apart as a safety zone.

School bus. Any motor vehicle that complies with the color and identification requirements of F.S. ch. 1006, and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children. The term "school" includes all pre-elementary, elementary, secondary, and post-secondary schools.

Sheriff. Palm Beach County Sheriff's Office.

Sidewalk. That portion of a street between the curblineline or the lateral line of a roadway and the adjacent property lines intended for use by pedestrians.

Stand or standing. The halting of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by law.

State road. A street, road, highway, or other way open to travel by the public generally and dedicated to the public use according to law or by prescription and designated by the department, as provided by law, as part of the state highway system.

Stop or stopping. When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or traffic control sign or signal.

Street or highway.

- (1) The entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic;
- (2) The entire width between the boundary lines of any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons, or any limited access road owned or controlled by a special district, whenever, by written agreement entered into under F.S. § 316.006(2)(b) or (3)(b), a county or municipality exercises traffic control jurisdiction over said way or place;
- (3) Any area, such as a runway, taxiway, ramp, clear zone, or parking lot, within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision, which area is used for vehicular traffic but which is not open for vehicular operation by the general public; or
- (4) Any way or place used for vehicular traffic on a controlled access basis within a mobile home park recreation district which has been created under F.S. § 418.30, and the recreational facilities of which district are open to the general public.

Suspension. Temporary withdrawal of a licensee's privilege to drive a motor vehicle.

Taxi or taxicab. A licensed public motor vehicle for hire designated and constructed to seat not more than seven persons and operating as a common carrier on call or demand.

Taxicab stand. A fixed area in the roadway parallel and adjacent to the curb or edge of pavement set aside for taxicabs to stand or wait for passengers.

Traffic. Pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances either singly or together while using any street or highway for purposes of travel.

Traffic assistant—parking enforcement specialist. Any law enforcement agent authorized to control traffic and issue parking citations.

Vehicle. Every device, in, upon, or by which any person or property is or may be transported or drawn upon a street, highway, road, roadway or right-of-way excepting devices used exclusively upon stationary rails or tracks.

Work zone area. The area and its approaches on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes are closed to traffic.

(Ord. 06-008, § 4, 3-14-06)

Sec. 19-20. - County engineer to designate parking restrictions on county roads.

The county engineer is hereby authorized to determine and designate traffic restrictions which are reasonable and conform to the state department of transportation criteria and necessary for the welfare of the public on county roads or roads over which the county has jurisdiction for traffic control, traffic regulation and stopping, standing and parking within the boundaries of the county. Notwithstanding the above, the county shall have original jurisdiction to regulate parking, by resolution of the board of county commissioners, and thereafter the county engineer is hereby authorized to establish such parking regulations in parking areas located on property owned or leased by the county including airports, whether or not such parking areas are located within the boundaries of a municipality. Such restrictions shall include but are not limited to the following:

- (1) All night parking.
- (2) Angle parking.
- (3) Parking on the left side of a one-way street or highway.
- (4) Parking on one-way streets.
- (5) Parking in hazardous places.
- (6) Curb loading zones.
- (7) Bus stops, taxi stands, etc.
- (8) Prohibited parking.
- (9) Limited parking.
- (10) Parking meter locations.

(Ord. 06-008, § 5, 3-14-06)

Sec. 19-21. - Parking regulations.

- (a) *Signs to be erected.* Upon the determination by the county engineer and adoption of a resolution by the board of county commissioners to restrict or prohibit parking, standing or stopping in areas owned or leased by the county, airports and in certain areas along county roads or roads over which the county has jurisdiction for traffic control, such areas shall be posted with signs specifying the restrictions of parking, standing or stopping.
- (b) *Restricted parking zones, use.*
 - (1) No person shall stop, stand, or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted.
 - (2) When official signs are erected designating a parking space, area or lot for restricted parking for authorized vehicles only, no person shall park an unauthorized vehicle in violation of such sign.
- (c) *Stopping, standing, or parking prohibited in specified places.*
 - (1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or an official traffic control device, no person shall 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 county engineer indicates a different length by signs or markings.
 - f. Along side 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 highway or within a highway tunnel.
 - h. On any railroad tracks.
 - i. On a bicycle 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 county engineer, 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.
- (2) Load or unload a passenger on the paved roadway or shoulder of a limited access facility or on the paved portion of any connection 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.
- (3) 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.
 - 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 properly signposted).
 - f. On a bicycle lane.
 - g. At any place where official traffic control devices prohibit standing or parking.
 - h. On any laned roadway or highway in the county in other than duly designated parking spaces.
 - i. On any roadway that is not a laned roadway or highway in the county so as to impede the movement of two-way traffic in other than duly designated parking spaces.
- (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 state department of transportation establishes a different distance due to unusual circumstances.
 - b. At any place where official signs prohibit parking.
 - c. At the arrival and departure areas of Palm Beach International Airport.
- (d) *Parking prohibited at all times at certain places.* No person shall park a vehicle at any time on any of the following parts of streets, highways, parking areas, sidewalks or sidewalk areas where signs are erected giving notice thereof:

- (1) In front of a theater entrance.
 - (2) In front of the entrance or exit of a hotel.
 - (3) In front of the entrance of any public building.
 - (4) Fire lanes.
- (e) *Parking prohibited at all times on certain streets.* When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets so marked.
- (f) *Parallel parking required.*
- (1) Except where expressly designated, every vehicle stopped or parked upon a two-way roadway shall be parallel parked and so stopped or parked in the direction of authorized traffic movement. When so parked or stopped, a vehicle's right-hand wheels shall be parallel to and within twelve (12) inches of the right-hand curb where parking is permitted.
 - (2) Except where expressly designated, every vehicle stopped or parked upon a one-way roadway shall be parallel parked and so stopped or parked 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 where parking is permitted.
- (g) *Parking time limited on certain streets and highways.* When signs are erected giving notice of the limitation of time for parking, no person shall stop, stand or park a vehicle for longer than the time specified by such signs.
- (h) *Moving another's vehicle into prohibited parking place.* No person shall move a vehicle not owned by or in charge of such person or stop, stand or park in a manner prohibited by this Ordinance, into any prohibited area or away from a curb such distance as is unlawful.
- (i) *Unattended vehicles; stopping engine.* No person driving or in charge of any motor vehicle, except a licensed delivery truck or other delivery vehicle, shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and securing the vehicle so as to prevent movement. No person driving or in charge of a licensed delivery truck or other delivery vehicle shall permit it to stand unattended for a period of time longer than five (5) minutes.
- (j) *Obstruction of traffic by parking.* No person shall park any vehicle upon a street or highway in such a manner or under such conditions as to obstruct the free movement of traffic.
- (k) *Stopping, standing or parking upon travel lanes.*
- (1) No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the street or highway when it is practical 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 highway opposite a standing vehicle shall be left for the free passage of 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 any highway outside of a municipality.
 - (2) 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 highway conditions render such parking off the paved portion of the street or highway hazardous or impractical.
 - (3)
 - a. Whenever any police officer finds a vehicle standing upon a street or highway in violation of the foregoing provisions of this section, 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.
 - b. Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel, or on any county road or where the vehicle constitutes an obstruction to traffic,

the officer is authorized to provide for the removal of the vehicle to the nearest garage or other place of safety, cost of such removal to be a lien against the motor vehicle.

- (l) *Standing in passenger curb loading zone.* No person shall stop, stand, or park a vehicle for any purpose or period of time other than actively engaged in loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed five (5) minutes or as directed by a law enforcement agent during which time the vehicle shall not be allowed to stand unattended.
- (m) *Standing in freight curb loading zone or in curb loading zone.*
 - (1) *Freight curb loading zone.* No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials at any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading and unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.
 - (2) *Curb loading zone.* No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials or passengers at any place marked as a loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials or passengers exceed thirty (30) minutes.
- (n) *Obstruction of public streets, highways, etc.* It is unlawful for any person or persons to wilfully obstruct the free, convenient, and normal use of any public street, highway or road, by impeding, hindering, stifling, retarding or restraining traffic or passage thereon, or by endangering the safe movement of vehicles or pedestrians traveling thereon.
- (o) *Parking in or obstructing alleys.*
 - (1) No person shall stop, stand or park a vehicle within an alley in a business district except for the expeditious loading or unloading of materials, and in no event for a period of more than twenty (20) minutes, and no person shall stop, stand or park a vehicle in any other alley in such a manner as to obstruct the free movement of vehicular traffic.
 - (2) No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.
- (p) *All night parking.* No person, except physicians or other persons on emergency calls, shall park a vehicle overnight on any street or highway marked to prohibit all night parking.
- (q) *Parking prohibited for certain purpose.* No person shall park a vehicle within any right-of-way for the principal purpose of:
 - (1) Displaying such vehicle for sale.
 - (2) Washing, greasing, or repairing such vehicle, except repairs necessary in an emergency.
 - (3) Displaying advertising.
 - (4) Selling merchandise from such vehicle except in a duly established market place, or when authorized or permitted or licensed under the ordinances of the county.
 - (5) Storing, or as junk or dead storage, for more than twenty-four (24) hours.
- (r) *Airport regulations regarding stopping, standing or parking.* Notwithstanding the regulations set forth herein, no parking is permitted within airports except in accordance with posted signage or within areas where parking is specifically authorized.

- (s) *Parking near rural mailbox during certain hours; penalties.* Whoever parks any vehicle within thirty (30) feet of any rural mailbox upon any County street, highway or road between 8:00 a.m. and 6:00 p.m. shall be cited as a non-moving violation punishable as provided in Chapter 318, Florida Statutes.
- (t) *Taxicab and bus operators; parking in other than stands and stops.* The operator of a bus or taxicab shall not stop, stand or park upon any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while engaged in the expeditious unloading or loading of passengers.
- (u) *Taxicab stands and bus stops; use by other than taxicabs and buses.* No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when such stop or stand has been officially designated and marked, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers, when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. No person shall stop, stand or park for any reason in any airport taxicab stand or bus stop.
- (v) *Angle parking, obedience to signs.* No person shall stop, stand or park a vehicle upon the streets which have been signed or marked for angle parking other than at the angle to the curb or edge of the roadway indicated by such signs or markings.
- (w) *Parking prohibited, special vehicle types.* No person shall park, store, or keep a truck of one-ton capacity or over, commercial vehicle, recreational vehicle, boat or trailer, on any public street, or other thoroughfare or any right-of-way for a period exceeding one (1) hour in any twenty-four (24) hour period, each such period commencing at the time of first stopping or parking unless engaged in loading or unloading of passengers or materials.
- (x) *Unlawful to wilfully abandon motor vehicles on the streets of the county; notice; presumptions.*
 - (1) It is unlawful for any person to wilfully abandon a motor vehicle within or upon the public streets, highways, and rights of ways, within the county.
 - (2) In any prosecution under this section, proof that the defendant named in the complaint was at the time of such abandonment the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who abandoned such vehicle where and at the time when such violation occurred.
- (y) *Notice on illegally parked vehicles.* Whenever any motor vehicle without a driver is found parked, stopped or standing in violation of any of the restrictions imposed by resolution or ordinance of this county, the law enforcement agent finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such a vehicle a citation on a form provided by the county, for the owner to answer the charge within the time period specified in the ticket.
- (z) *Liability for payment of parking ticket violations and other parking violations.*
 - (1) Municipalities or entities electing to utilize the clerk and comptroller's parking violation bureau for collection and enforcement of parking violations shall utilize the parking citation provided by the clerk and utilize the process and procedures established by the clerk. The clerk shall take appropriate measures to collect fines, costs and fees for those municipalities/entities utilizing the parking violation bureau.
 - (2) Any person who is issued a county parking ticket by a law enforcement agent is deemed to be charged with a noncriminal infraction and shall comply with the directions on the ticket.
 - (3) If payment is not received or a response to the ticket is not made within the time period specified thereon, the county court or the traffic violation bureau shall notify the registered owner of the vehicle that was cited, by mail, to the address given on the motor vehicle registration. Mailing the notice to this address constitutes notification. Upon notification, the registered owner shall comply with the court's or bureau's directive.

- (4) Any person who is mailed notification but fails to timely satisfy the ticket or timely request a hearing as set forth on the ticket may be assessed late fees, and any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$100.00 for non-handicapped violations, or the fine amount designated by county or municipal ordinance, plus court costs and additional costs authorized by municipal ordinance including late fees and collection fees. Any person who fails to pay the civil penalty within the time allowed by the court is deemed to have been convicted of a parking ticket violation. The court shall take appropriate measures to enforce collection of the fine.
- (5) In any prosecution charging a violation of this division governing the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of this division or other regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute evidence of a prima facie presumption that the registered owner of such vehicle was the person who stopped, stood, or parked such vehicle at the point where and for the time during which such violation occurred. The foregoing stated presumption shall apply only when the procedure as prescribed in the preceding subsection (y) of this section has been followed.

(aa) *Impounding vehicle.*

- (1) Police officers are authorized to remove a vehicle from a street to the nearest garage or other place of safety, or to a garage designated or maintained by the law enforcement agent under the circumstances herein enumerated when:
 - a. A vehicle left unattended upon any bridge, causeway, or viaduct, street or highway or where such vehicle constituted an obstruction to traffic.
 - b. A vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic, or the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody and removal.
 - c. A vehicle found upon the right-of-way and is not in proper condition to be driven.
 - d. A vehicle left unattended upon a street, highway or right-of-way and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
 - e. A vehicle left unattended upon the right-of-way continuously for more than twenty-four (24) hours.
 - f. The driver of such vehicle is taken into custody by the police officers and such vehicle would thereby be left unattended upon the street, highway or right-of-way.
 - g. Removal is necessary in the interest of public safety because of fire, flood, storm, or other emergency reason.
- (2) No vehicle impounded in a garage as herein provided shall be released therefrom until the charges for towing such vehicle into the garage and storage charges have been paid. Charges for towing and removal shall be approved by the law enforcement agent and posted for public inspection in the garages affected.
- (3) Whenever an officer removes a vehicle from a street, highway or right-of-way as authorized in this section, and the law enforcement agent knows or is able to ascertain the name and address of the owner thereof, the department shall within twenty-four (24) hours give or cause to be given notice in writing to such owner of the fact of such removal, and the reasons therefore, and of the place to which such vehicle has been removed. In the event such vehicle is stored in an authorized garage, a copy of such notice shall be given to the proprietor of such garage.
- (4) Whenever an officer removes a vehicle from a street, highway or right-of-way under this section, and the law enforcement agent does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in

the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the law enforcement agent shall immediately send or cause to be sent written report of such removal by mail to the motor vehicle commissioner of the state department of public safety and shall file a copy of such notice with the proprietor of any garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

(bb) *Parking meters; determining zones; installation.*

- (1) Authority of the county engineer. The county engineer may recommend the installation of parking meters and upon approval by the board of county commissioners, install and maintain such meters. The parking meters may be of whatever type as approved by the county commission upon recommendation of the county engineer.
- (2) *Deposit of U.S. currency and credit cards.* Permission to park in a metered parking space shall be granted for the length of time indicated upon the deposit of a sum as required and indicated for the designated meter for such space.

(cc) *Parking when meter indicates violation; maximum period; days effective; parking within spaces.*

- (1) No person shall park any vehicle or permit any vehicle to remain parked in any parking metered space when the parking meter for the space occupied by such vehicle shows a violation.
- (2) No person shall park any vehicle or permit any vehicle to remain parked in any parking metered space for a continuous period of time greater than the maximum time provided for on the meter.
- (3) When parking meters are erected giving notice thereof, no person shall stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by said parking meters upon the deposit of a coin of United States currency of the designated denomination on any day except Sundays and full legal holidays unless otherwise posted, upon any of the streets so marked by designation of the board of county commissioners of the county.
- (4) Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted, and with the front end of such vehicle immediately opposite the parking meter for such space.

(dd) *Meter to be visible.* Every vehicle parked in a parking metered space shall be parked with the front end or front part of such vehicle immediately opposite the parking meter for such space, and in such manner that the meter shall be visible from the street side of the vehicle.

(ee) *Collection of money.* The county engineer or any other designee of the board of county commissioners shall regularly collect monies deposited in meters located in the unincorporated areas, the receipts thereof to be turned over to the finance department.

(ff) *Use of slugs, etc.; damaging meters.* It is unlawful to deposit in any parking meter anything other than a lawful coin of the United States, or any coin that is bent, cut, torn, battered, or otherwise misshapen. It is unlawful for any unauthorized person to remove, deface, tamper with, open, break, destroy or damage any parking meter. It is unlawful for any person willfully to manipulate any parking meter in such a manner that the indicator will not operate and continue to show the correct amount of unexpired time and will be subject to the penalties set forth in Section 877.08(2), (3) and (4), Florida Statutes.

(g) *Use of unexpired time; maximum parking time.* The driver of a vehicle entering a parking space at a time when the meter for such space shows unexpired time may permit such vehicle to remain parked in such space for the amount of unexpired time shown on such meter, or may by depositing the proper United States currency or by credit card remain parked in such space for the maximum amount of time allowed by the deposit of said coin as indicated on said meter.

(Ord. 06-008, § 6, 3-14-06)

Sec. 19-22. - Enforcement and procedures.

- (a) *Hearing officer.* Violations of this division shall be heard by a hearing officer designated to preside over civil traffic infractions.
- (b) *Law enforcement officers and parking enforcement specialists.* A law enforcement officer or parking enforcement specialist who discovers a vehicle parked in violation of this chapter may:
 - (1) Issue a ticket form to the driver; or
 - (2) If the vehicle is unattended, attach such ticket to the vehicle in a conspicuous place.
- (c) *Disposition of traffic fines and forfeitures.* All fines or forfeitures collected, including those collected upon the forfeitures of bail of any person charged with violation of any of the provisions of this division, shall be paid and distributed in accordance with F.S. § 28.2402, and any other applicable state statute.
- (d) *Duties of the clerk.* Any municipality or entity may contract with the clerk and comptroller's office for collection and enforcement of parking violations. Accordingly, for those entities participating in the clerk's parking enforcement program and for those violations that are referred to the court, the clerk has the following duties in reference to standing, stopping and parking violations:
 - (1) The clerk shall accept and distribute fines, fees and costs and issue receipts therefor.
 - (2) The clerk shall cause to have printed the uniform parking citation.
- (e) *Forms and notices of citation.* The clerk shall provide a uniform numbered citation for notifying alleged violators to appear and answer to charges of violating this division.
- (f) *Withholding of license plates and revalidation stickers.*
 - (1) The clerk shall supply the department with a computer tape reel or cartridge which is machine readable by the computer, or other means of transmission mutually agreed upon by the department and clerk, listing persons whose names appear on the list as set forth in F.S. § 316.1967(6), and the clerk may also report persons listed as set forth in F.S. §§ 316.1001(4) and 713.78. Said list shall include the address of the owner of the vehicle, as well as any other information required by the department.
 - (2) If a person's name appears on the list referred to in subsection (1) above, the tax collector shall not issue a license plate or revalidation sticker to such person until such person's name no longer appears on said list or until the person presents a receipt showing that such parking fines and all applicable late charges or other related charges have been paid. Pursuant to F.S. § 320.03(8), the tax collector and the clerk shall each be entitled to receive monthly, as costs for implementing and administering this section, ten (10) percent of the civil penalties and fines received from such persons.
 - (3) Pursuant to the authority granted in F.S. §§ 316.1967 and 320.03, this section shall be applicable throughout unincorporated the county and in parking areas owned or leased by the county, including school zones, whether or not such areas are located within the boundaries of chartered municipalities.
 - (4) Any person owing monies for parking tickets issued in the unincorporated areas of the county or by a municipality shall remit payment for same directly to the county or municipality unless the county or municipality is participating in the clerk and comptroller's parking violations program for the enforcement, collection and distribution of parking fines, penalties and costs. In which case, payment shall be remitted to the clerk and comptroller's office.
 - (5) The sheriff of county shall provide the clerk with all information required by the department.

(Ord. 06-008, § 7, 3-14-06)

Sec. 19-23. - Penalty.

Violation of any provision of this division shall be punishable as a non-criminal infraction and fined in accordance with F.S. § 318.18.

(Ord. 06-008, § 8, 3-14-06)

Sec. 19-24. - Uniformity of application.

This division shall constitute a uniform law applicable in all the unincorporated areas of the county and certain property owned or leased by the county within the boundaries of a municipality.

(Ord. 06-008, § 9, 3-14-06)

Secs. 19-25—19-50. - Reserved.