

ORDINANCE NO. 85-23

AN ORDINANCE RELATING TO HERNANDO COUNTY PROVIDING GENERAL PROHIBITION UPON STOPPING, STANDING, AND PARKING IN CERTAIN PLACES; PROVIDING A SHORT TITLE; PROVIDING FOR JURISDICTION; PROVIDING DEFINITIONS; PROVIDING SPECIFIC PROHIBITIONS FOR PARKING IN DESIGNATED PUBLIC PARKING SPACES; PROVIDING FOR SPECIFIC PROHIBITION OF PARKING IN FIRE LANES; PROVIDING FOR REGULATION OF PARKING IN PARKING AREAS ON PROPERTY OWNED OR LEASED BY THE COUNTY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING PROCEDURES FOR PAYMENT OF PENALTIES AND PROCEEDINGS TO ENFORCE PAYMENT; PROVIDING FOR THE PROMULGATION OF ADMINISTRATIVE ORDERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Hernando County, Florida, as follows:

SECTION I. SHORT TITLE:

This Ordinance shall be known as the "Hernando County Parking Ordinance".

SECTION II. JURISDICTION:

The terms of this Ordinance shall be applicable in the unincorporated areas of Hernando County and, pursuant to the terms of this Ordinance, in areas owned or leased by Hernando County, which are located within the boundaries of chartered municipalities.

SECTION III. DEFINITIONS:

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context otherwise requires:

(a) Bicycle: Any device propelled by human power, or any "moped" propelled by a pedal-activated helper

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motor with a manufacturer's certified maximum rating of 1 1/2 brake horsepower, upon which any person may ride, having two (2) tandem wheels, either of which is twenty (20) inches or more in diameter, and including any device generally recognized as a bicycle though equipped with two (2) front or two (2) rear wheels.

(b) 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.

(c) Board of County Commissioners: The Board of County Commissioners of Hernando County, Florida.

(d) Clerk: Clerk of the Circuit Court and County Courts of Hernando County, Florida.

(e) 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 10,000 pounds or more;

(2) Is designed to transport more than ten (10) 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. ss. 1801 et seq.).

(f) County: Hernando County, Florida.

(g) 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 set aside for pedestrian crossing at an intersection or elsewhere

which is distinctly indicated by lines or other markings on the surface.

(h) Designated Public Parking Space:

Any public parking space posted with the sign bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY".

(i) Exclusive Bicycle Lane: That

portion of a highway or street set aside only for bicycle travel and which is distinctly indicated by lines or other markings on the surface.

(j) Handicapped Person: Any person who

is:

(1) Severely physically

disabled and has permanent mobility problems which substantially impair his ability to ambulate; or

(2) Certified as legally

blind.

Any person meeting either of the above requirements, must also have been issued an exemption entitlement parking permit pursuant to Section 320.0848, Florida Statutes, as amended, or legally issued pursuant to the statute, rule or regulation of any other country, state, province district or territory.

(k) Highway: 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.

(1) Intersection:

(1) The area embraced within

the prolongation or connection of the lateral curb lines; 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.

(m) Official Traffic-Control Device:

All signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

(n) Official Traffic-Control Signal:

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

(o) 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 the vehicle is entitled to possession, then such conditional vendee, or lessee, or mortgagor shall be deemed the owner, for purposes of this Ordinance.

(p) 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 under this Ordinance.

(q) Parking Enforcement Specialist: A

person appointed by the Sheriff to enforce parking regulations who has successfully completed a training program established and approved by the police standards and training commission for parking enforcement specialists, but who does not otherwise meet the uniform minimum standards established by the police standards and training commission for police officers or auxiliary or

part-time officers under Section 943.12, Florida Statutes, as amended.

(r) Parking Ticket: Official form used to notify the owner of a vehicle that said vehicle is parked, stopped or standing in violation of the terms of this Ordinance.

(s) Person: Any natural person, firm, copartnership, association or corporation.

(t) Private Road or Driveway: Any privately owned way or place for vehicular travel by the owner and not open to travel by the public.

(u) Public Parking Space: Any parking space which the owner, lessee or person in control of such property provides for use by members of the public other than employees of such owner, lessee or person, including but not limited to parking spaces at shopping centers, stores, offices, motels, malls, restaurants and marinas.

(v) Railroad: A carrier of persons or property upon cars operated upon stationary rails.

(w) Residential Area: Any area of the County which is classified within any one of the following zoning classifications: R-1A, R-1B, R-1C, R-2, R-3, R-PDP, RM or MH-PDP.

(x) Roadway: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways collectively.

(y) Sheriff: The Sheriff of Hernando County or his duly appointed deputies.

(z) Sidewalk: That portion of a street between the curb line, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

(aa) 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 under this Ordinance.

(bb) 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.

(cc) Street: 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.

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

(ee) Vehicle: Any device, in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

SECTION IV. GENERAL PROHIBITION UPON STOPPING, STANDING AND PARKING IN CERTAIN PLACES:

Within the unincorporated areas of Hernando County, except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of any law enforcement officer, fireman at the scene of an emergency or official traffic-control device, 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) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(f) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(g) On any railroad tracks;

(h) At any place where an official traffic-control device prohibits stopping;

(i) 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 a different length is indicated by signs or markings;

(j) On a bicycle path;

(k) On the roadway or shoulder of a limited access facility 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 fireman at the scene of an emergency, or to a person stopping a vehicle in compliance with applicable traffic laws.

(l) (1) Whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave the vehicle off such part of the 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 200 feet in each direction upon the highway.

(2) This paragraph shall not apply to the driver or owner of any vehicle which is disabled while on the paved or main-traveled portion of the 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 highway hazardous or impractical.

(3) (A) Whenever any law enforcement officer finds a vehicle standing upon a highway in violation of any 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 highway.

(B) Officers are hereby authorized to provide for the removal of any abandoned vehicle to the nearest garage or other place of safety, cost of such removal to be a lien against the motor vehicle, when said abandoned vehicle is found unattended upon a bridge or causeway or in any tunnel, or on any public highway in the following instances:

(i) Where such vehicle constitutes an obstruction of traffic;

(ii) 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; or

(iii) Where 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 Department of Highway Safety and Motor Vehicles and the Florida Highway Patrol within twenty-four (24) hours of such removal.

(C) Any vehicle moved under the provisions of this Ordinance which is a stolen vehicle shall not be subject to the provisions hereof unless the moving authority has reported to the Florida Highway Patrol the taking into possession of the vehicle within twenty-four (24) hours of the moving of the vehicle.

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;

(d) Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or official 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 entrances to any fire station within seventy-five (75) feet of said entrances, when properly signposted;

(f) At any place where an official traffic-control device prohibits standing;

(g) On an exclusive bicycle lane;

3. 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;

(b) At any place where an official traffic-control device prohibits parking.

(c) Within thirty (30) feet of any rural or curbside mailbox between the hours of 8:00 A.M. and 5:00 P.M., except on Sundays or legal holidays.

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

(a) In any residential area.

5. Park a vehicle upon any street for the principal purpose of:

(a) Displaying such vehicle for sale.

(b) Washing, greasing or repairing such vehicle, except repairs necessary in an emergency.

(c) Displaying advertising.

(d) Selling merchandise from such vehicle except in a duly established market place, or when so authorized or licensed under the ordinances of this County.

(e) Storage, or as junkage or dead storage for more than twenty-four (24) hours.

6. Except as otherwise provided in this Ordinance, every vehicle stopped or parked upon a two-way street or highway 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 the street or highway.

7. Except as otherwise provided in this Ordinance, every vehicle stopped or parked upon a one-way street or highway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of the 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-hand wheels within twelve (12) inches of the left-hand curb or edge of the roadway.

SECTION V. PUBLIC PARKING SPACES FOR CERTAIN HANDICAPPED PERSONS:

No person shall park any vehicle in any designated public parking space located on county-owned or leased property or private property within the unincorporated areas of Hernando

County, unless such vehicle displays a parking permit issued pursuant to Section 320.0848, Florida Statutes, as amended, and such vehicle is transporting a handicapped person eligible for such parking permit. However, any person who is chauffeuring a handicapped person shall be allowed, without need for a parking permit, momentary parking in a designated public parking space for the purpose of loading or unloading said handicapped person.

SECTION VI. PARKING IN FIRE LANES:

No person shall park a vehicle in an area designated to be a fire lane and marked as such.

SECTION VII. REGULATION OF PARKING IN PARKING AREAS LOCATED ON PROPERTY OWNED OR LEASED BY THE COUNTY:

The Board of County Commissioners shall have original jurisdiction to regulate parking, by resolution of the Board of County Commissioners and the erection of signs conforming to the manual and specifications of the Department of Transportation, in parking areas located on property owned or leased by the County, whether or not such areas are located within the boundaries of chartered municipalities.

SECTION VIII. ENFORCEMENT:

1. Any law enforcement officer or parking enforcement specialist who discovers a vehicle parked in violation of this Ordinance shall issue a parking ticket approved for use by the Board of County Commissioners and shall attach such ticket to the vehicle in a conspicuous place. Such parking ticket shall contain language providing notice of the following:

(a) The type of violation and the amount of civil penalty imposed by this Ordinance.

(b) The procedure to be followed in either paying said civil penalty or electing not to pay such civil penalty and requesting a hearing before a County Judge concerning the parking violation.

(c) The penalty for failure to comply with directions contained on the citation.

2. The deputy sheriff or parking enforcement specialist shall determine the registered owner of the vehicle for which a parking ticket has been issued and shall complete the parking ticket form. The original copy of the parking ticket form shall be forwarded to the Clerk when completed for processing.

SECTION IX. CIVIL PENALTIES:

1. Any person who stops, parks, or stands a vehicle in violation of the terms of Section IV or VI, shall be deemed to be charged with a noncriminal violation and shall be assessed a civil penalty of ten (\$10.00) dollars.

2. Any person who stops, parks, or stands a vehicle in violation of the terms of Section V shall be deemed to be charged with a noncriminal violation and shall be assessed a civil penalty of one hundred (\$100.00) dollars.

3. Each day any violation occurs or continues shall be a separate offense.

4. The amount of any civil penalty specified in this section shall be increased by fifteen (\$15.00) dollars if payment is not received by the Clerk within the described fourteen-day period after the date of mailing of the notice issued pursuant to the terms of Section X, paragraph 3.

5. The owner of a vehicle is responsible and liable for payment of any parking ticket violations except that the owner of a vehicle is not responsible for parking ticket violations if the vehicle involved was, at the time, stolen and reported as such.

SECTION X. PROCEDURES GOVERNING PAYMENT OF CIVIL PENALTIES AND PROCEEDINGS TO ENFORCE PAYMENT:

1. Any person issued a county parking ticket, pursuant to Section VIII shall answer the ticket by either of the

following procedures within a ten-day period which begins to run on the day immediately following the day that said ticket is issued:

(a) Payment of the civil penalty indicated on the ticket may be remitted to the Clerk, pursuant to the directions of such ticket, which civil penalty is subject to increase pursuant to the terms of this Ordinance.

(b) A hearing may be requested by the person receiving such citation or the cited vehicle's registered owner for the purpose of presenting evidence before a County Judge concerning a parking violation. Any person requesting a hearing shall execute a statement on a form prepared by the Clerk indicating his or her willingness to appear at such hearing at a time and place specified thereon.

2. Any election to request the hearing constitutes a waiver of the right to pay the civil penalty indicated on the parking ticket, and a County Judge after said hearing may impose a fine not to exceed one hundred (\$100.00) dollars, plus court costs for each parking violation.

3. Upon receipt of a completed parking ticket submitted by a deputy sheriff or parking enforcement specialist, pursuant to Section VIII, the Clerk shall notify the registered owner first listed on such ticket of its issuance if there has been no response pursuant to paragraph 1 of this Section. Such notice shall be sent by regular mail and shall inform said registered owner concerning the nature and location of the parking violation and direct compliance with either of the alternatives specified in paragraph 1 of this section within a fourteen-day period which begins to run on the day immediately following the day that said notice is mailed, according to the records maintained by the Clerk.

4. If payment of the civil penalty is not received or a hearing is not requested within the fourteen-day period after the notice described in paragraph 3 of this section and such notice is not returned as undeliverable by the U.S.

Postal Service, the Clerk shall send similar notice to said owner by certified mail requiring compliance with either of the alternatives specified in paragraph 1 of this section within a fourteen-day period which begins to run on the day immediately following the day that said notice is mailed, according to the records maintained by the Clerk.

5. If the Clerk receives proof of delivery of the notice mailed by certified mail, pursuant to paragraph 4 of this section, and payment of the civil penalty is not received or a hearing requested within the fourteen-day period specified therein, or if the notice is returned undelivered, the Clerk shall cause the registered owner first listed on the parking ticket to be served in accordance with the Florida Rules of Civil Procedure with a summons requiring attendance at a hearing at a time and place specified in such order. A County Judge after said hearing shall make a determination as to whether or not a parking violation has been committed and may impose a civil fine not to exceed one hundred (\$100.00) dollars plus court costs.

6. If the last day of a time period described above falls on a Saturday, Sunday or legal holiday, the time period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

SECTION XI. PROMULGATION OF ADMINISTRATIVE ORDERS:

The Board of County Commissioners recognizes that the court may adopt administrative orders to further effectuate the purpose and intent of this Ordinance.

SECTION XII. SEVERABILITY:

It is declared to be the intent of the Board of County Commissioners that if any section, subsection, paragraph, clause, sentence or phrase of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION XIII. REPEAL:

This Ordinance shall repeal any and all ordinances, or portions thereof, which are in conflict with any of the provisions contained herein.

SECTION XIV. EFFECTIVE DATE:

A certified copy of this Ordinance shall be filed in the Department of State by the Clerk of the Board of County Commissioners and this Ordinance will take effect upon receipt of official acknowledgement from that office that the same has been filed.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 15th day of October, 1985.

(SEAL)

Attest:

Harold W. Brown
Harold William Brown
Clerk

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

By:

Leonard F. Tripp Jr.
Leonard F. Tripp Jr.
Chairman