

Chapter 15

MOTOR VEHICLES AND TRAFFIC*

* **Editors Note:** Ord. No. 1996-76, § 1, adopted Sept. 17, 1996, repealed former Ch. 15, § 15-1, and enacted new provisions designated as a new Ch. 15 to read as herein set out. See the Code Comparative Table.

Cross References: Definitions and rules of construction generally, § 1-2.

State Law References: Florida Uniform Traffic Control Law, F.S. Ch. 316; powers of local authorities, F.S. §§ 316.007, 316.008.

Sec. 15-1. Purpose and intent.

Chapter 316, Florida Statutes provides that Lake County has jurisdiction over certain streets, roads and highways located in Lake County. It is the purpose and intent of this chapter to provide procedures and rules for the exercise of such jurisdiction of traffic control over such streets, roads and highways.

(Ord. No. 1996-76, § 1, 9-17-96)

Sec. 15-2. Enforcement.

It shall be the duty of the Lake County Sheriff's Office and other law enforcement officers within Lake County to enforce the rules and regulations contained in this chapter. Parking enforcement specialists as appointed by the sheriff may exercise those powers of enforcement granted by Florida Statutes.

(Ord. No. 1996-76, § 1, 9-17-96)

Sec. 15-3. Authority to adopt rules and regulations and install traffic control devices.

(a) The county manager or designee may make recommendations to the board of county commissioners regarding the exercise of powers granted by Chapter 316, Florida Statutes, including but not limited to those powers specified in Section 316.008, F.S. and may recommend the placement of traffic control devices on roads, streets and highways within Lake County.

(b) The county manager may make recommendations to the board of county commissioners regarding whether or not parking should be allowed upon one (1) or both sides of any street; regarding the type, style and manner of parking; regarding the parking time or parking limitations upon any street; and regarding the prohibition or regulation of the stopping or parking of vehicles in any places, areas, streets, alleys or parts thereof where the stopping or parking of vehicles would create a hazardous condition or would cause unnecessary delay in traffic. Such recommendations may include the placement of traffic control devices on roads streets and highways within Lake County.

(c) The board of county commissioners may, after considering the recommendation of the county manager, adopt by resolution such rules and regulations as it determines are necessary and desirable and authorize the placement of traffic control devices as it determines are necessary to regulate, warn or guide traffic.

(Ord. No. 1996-76, § 1, 9-17-96)

Sec. 15-4. Violations; general restrictions.

(a) 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 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 shall be left for the free passage of other vehicles, and 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) 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.

(Ord. No. 1996-76, § 1, 9-17-96)

Sec. 15-5. 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 parking, a vehicle shall be parked at the angle to the curb indicated by such marks or designation.

(Ord. No. 1996-76, § 1, 9-17-96)

Sec. 15-6. Parking prohibited in specific 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 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.
- (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, 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 sign posted).

- f. On an exclusive bicycle lane.
 - g. At any place where official signs or traffic-control devices prohibit standing.
 - h. In a fire lane.
- (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.

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

(Ord. No. 1996-76, § 1, 9-17-96)

Sec. 15-7. Parking in spaces reserved for physically disabled individuals.

(a) No person shall stop, stand or park a vehicle within any motor vehicle parking space, public or privately owned, that has been specially designated and marked for the exclusive use of physically disabled individuals, unless such vehicle displays a parking permit pursuant to Chapter 320.0848, 316.1958, or a license plate issued pursuant to 320.084, 320.0842, 380.0843, or 380.0845, Florida Statutes, or any other similar state statute, and such vehicle is transporting a person eligible for the parking permit.

(b) Any person who is chauffeuring a disabled person shall be allowed momentary parking in any specially designated or marked space, for the purpose of loading or unloading such disabled person, without an identification parking permit. In such case, no penalties shall be imposed upon the driver for momentary parking.

(Ord. No. 1996-76, § 1, 9-17-96)

Sec. 15-8. Removing and impounding of illegally parked vehicles.

(a) Whenever any law enforcement officer finds a vehicle standing upon a street, highway, or parking space in violation of section 15-4 or 15-7, 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 a different parking space.

(b) Law enforcement officers are hereby authorized to provide for the removal of any abandoned vehicle 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 or highway in the following instances:

- (1) Where such vehicle constitutes an obstruction of traffic;
- (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; or,
- (3) Where an operative 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.
- (4) 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.

(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 removes or causes to be removed a vehicle 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 or such removal, the reason therefore, and the place which such vehicle is stored in a public garage. A copy of such notice shall be given to the proprietor of the garage.

(e) The cost of towing or removing a vehicle impounded under this chapter and the cost of storing 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 for Lake County. 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. (Ord. No. 1996-76, § 1, 9-17-96)

Sec. 15-9. Issuance of parking violation notices.

(a) A law enforcement officer or parking enforcement specialist who discovers a vehicle parking in violation of a traffic control device or the provisions of this chapter may issue a parking violation notice to the driver of the vehicle, or, if the vehicle is unattended, may attach such notice in a conspicuous place on the vehicle. The parking violation notice shall be of a type approved by the board of county commissioners.

(b) Every day for which a violation continues shall be a separate violation for which parking ticket

may be issued.

(Ord. No. 1996-76, § 1, 9-17-96)

Sec. 15-10. Liability for violation; rebuttal.

The owner of a vehicle is responsible and liable for payment of any parking ticket violation unless the owner can furnish evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the appropriate law enforcement authorities an affidavit setting forth the name, address, and driver's license number of the person who leased, rented, or otherwise had the care, custody, or control of the vehicle. The affidavit submitted pursuant to this section shall be admissible in a proceeding charging a parking ticket violation and shall raise the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation. The owner of a vehicle is not responsible for a parking ticket violation if the vehicle involved was, at the time, stolen or in the care, custody or control of some person who did not have permission of the owner to use the vehicle. The operator of a vehicle which is in his care, custody or control without the permission of the owner shall be responsible for any parking violation notice which occurs while the vehicle is in his care, custody or control.

(Ord. No. 1996-76, § 1, 9-17-96)

Sec. 15-11. Penalties and procedures.

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

(b) The board of county commissioners adopts the following schedule of fines for parking violations for which payment may be made as provided on the parking violation notice:

- (1) Parking in spaces reserved for physically disabled \$250.00
- (2) Other parking violations \$10.00

(c) Any person receiving a parking violation notice pursuant to this chapter shall respond to the violation notice by either of the following procedures within ten (10) days after the date of issuance of the citation:

- (1) Payment of the penalty indicated on the violation notice may be remitted to the board of county commissioners pursuant to the directions on such violation notice; or
- (2) A hearing may be requested by the person receiving such violation notice 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 provided by the board of county commissioners indicating his willingness to appear at such hearing at a time and place specified thereon. Any person who requests a hearing and does not appear in accordance with such statement shall be subject to contempt proceedings or to such other

penalties as the court may, in its discretion, impose to require compliance with this chapter.

(d) An election to request a hearing constitutes a waiver of the right to pay the civil penalty indicated on the parking violation notice and a county judge, after such hearing, upon making a determination that a parking violation has been committed, may impose a fine not to exceed two hundred fifty dollars (\$250.00), plus court costs for each parking violation.

(e) If the county finance department receives a completed parking violation notice submitted by a law enforcement officer or parking enforcement specialist pursuant to this chapter and, if there has been no response to the violation notice within the ten-day period set forth in subsection (c) above, the county finance department shall forward the violation notice to the clerk of the county court for issuance of a summons. The clerk shall have the person to whom the violation notice was issued served with a summons requiring payment of the fine or attendance at a hearing at a time and place specified in such notice of summons. The amount of any fine imposed for violation of this chapter shall be increased by an additional ten dollars (\$10.00) upon the issuance of a summons by the clerk of the county court to the person charged with a parking violation.

(f) A county judge, after a hearing on the parking violation notice, shall make a determination as to whether or not a parking violation has been committed and may impose a fine not to exceed two hundred fifty dollars (\$250.00), plus court costs. Any person upon whom service is obtained pursuant to this chapter who does not appear at the hearing as directed shall be subject to contempt proceedings or to such other penalties as the court may, in its discretion, impose to require compliance with the court's directive.

(g) The clerk of the court shall supply the Florida Department of Highway Safety and Motor Vehicles with a magnetically encoded computer tape reel or cartridge which is machine readable by the installed computer system at the Florida Department of Highway Safety and Motor Vehicles, listing persons who have any outstanding violations of Chapter 316, Florida Statutes, State Uniform Traffic Control, Sections 316.1955 and 316.1956 or this chapter.

(Ord. No. 1996-76, § 1, 9-17-96)

Sec. 15-12. Creation of special account.

There is hereby created a special account for the deposit of any fines collected for violations of section 15-7, said funds to be used in the following manner.

- (1) One-third (1/3) of the funds collected pursuant to this chapter shall be used to defray any expenses incurred for the administration of this chapter.
- (2) Two-thirds (2/3) of the funds collected pursuant to this chapter shall be used to provide funds to improve accessibility and equal opportunity to qualified physically disabled persons in the county, and to provide funds to conduct public awareness programs in the county concerning physically disabled persons.

(Ord. No. 1996-76, § 1, 9-17-96)

Sec. 15-13. All terrain vehicle operation on unpaved roadways.

The provisions of F.S. § 316.2123(1), conditionally allowing all terrain vehicle operation upon unpaved roadways, shall not be applicable in Lake County.
(Ord. No.2006-105, § 2, 10-17-06)

Sec. 15-14. Reserved.

Sec. 15-15. Operation of golf carts.

(a) Golf carts are defined as a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of twenty (20) miles per hour.

(b) Golf carts meeting the definition set forth in subsection (a) may be operated on those county roads or streets designated for golf cart usage through a resolution of the board of county commissioners. The resolution shall contain a determination that the golf carts may safely travel on or cross the designated roads or streets, and consider such factors as the speed, volume and character of the motor vehicle traffic using the road or street.

(c) The provision of appropriate signage designating such areas and regulating the use of golf carts shall be the responsibility of the county manager or designee.

(d) All golf carts operated upon properly designated roads and streets shall meet the minimum equipment standards established by the Florida Statutes. Golf carts may be operated, unless otherwise set by resolution, between the hours before sunrise and after sunset if equipped with, at a minimum, headlights, brake lights, turn signals, and a windshield. Reflective devices on the sides of the golf cart are strongly encouraged. Golf carts that do not meet the minimum equipment standards for operation between the hours before sunrise and after sunset shall only be permitted to operate between sunrise and sunset.

(e) In no event shall this section authorize the operation of golf carts on roads or streets within the jurisdiction of the state or within the jurisdiction of any municipality.
(Ord. No. 2003-78, § 2, 9-2-03; Ord. No. 2004-12, § 2, 3-2-04)