

**COUNTY DEPARTMENT
SUBMISSION FORM
BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA**

Requested Meeting Date:
January 11, 2011

Meeting Location:
SW Annex @ 4:00 PM

Submission Deadline
January 4, 2011

County Department:

Contact Person: Commissioner Cecilia Jones

TOPIC:
Parking Ordinance

REQUESTED ACTION:
Advertise for a Public Hearing to consider amendment the Parking Ordinance

SUMMARY EXPLANATION OR HISTORY:

MATERIAL/EXHIBITS ATTACHED:

ADMINISTRATION CONTACT INFORMATION:

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Chapter 20 TRAFFIC AND VEHICLES*

***Cross references:** Horseback riding in Choctaw Beach Area, § 5-2; driver education safety trust fund, § 8-3; roads and bridges, ch. 16; vehicles on beaches, § 22-32.

State law references: Traffic generally, F.S. ch. 316; general powers of local authorities relative to traffic, F.S. §§ 316.006, 316.007.

Sec. 20-1. Speed limit on Norwood Road.

Sec. 20-2. Report of handicapped parking violations.

Sec. 20-3. No parking zones.

Sec. 20-4. Reserved.

Sec. 20-5. Use of multi-use paths.

Sec. 20-6. Reserved.

Sec. 20-7. Emergency preemption equipped traffic signals.

Sec. 20-8. Designating no parking areas.

Sec. 20-9. Parking vehicle for sale prohibited.

Sec. 20-10. Parking on lawns, pathways, in front of driveways, on private property and in certain rights-of-way.

Sec. 20-11. Violations declared civil infractions.

Sec. 20-12. Enforcement procedures.

Sec. 20-13. Authorization to impound vehicles.

Secs. 20-14–20-19. Reserved.

Sec. 20-20. All terrain vehicle regulations.

Sec. 20-21. Disability parking.

Sec. 20-22. ATVs prohibited on unpaved roads.

Sec. 20-1. Speed limit on Norwood Road.

The speed limit on Norwood Road lying north of Highway 90 in the county is hereby set at 25 miles per hour.

(Ord. No. 75-3, 10-3-75)

State law references: Authority to alter speed limits, F.S. § 316.189.

Sec. 20-2. Report of handicapped parking violations.

As an effort to decrease the number of handicapped parking violations occurring in the county each year, the clerk of the county court shall provide a list of any persons with three or more outstanding violations of any state or local law or ordinance to the state department of highway safety and motor vehicles, and such individuals will not be issued a license plate or revalidation sticker until their fines have been paid.

(Ord. No. 90-11, 10-9-90)

Sec. 20-3. No parking zones.

(a) A no parking zone shall be established along all county rights-of-way known as Wall Street and Pompano Street in the community of Inlet Beach, Walton County, Florida, and violators of this section shall have their vehicle towed away at the car owner's expense.

(b) No parking signs shall be posted along the rights-of-way of Wall Street and Pompano Street.

(c) Any person who violates these provisions is guilty of a misdemeanor of the second degree and shall be punished as provided by law.

(Ord. No. 93-8, §§ 1–3, 4-27-93; Ord. No. 2003-15, § 2, 9-9-03)

Sec. 20-4. Reserved.

Editor's note: Ord. No. 2003-15, § 3, adopted Sept. 9, 2003, repealed § 20-4, which pertained to holiday road truck ordinance and derived from Ord. No. 96-20, §§ 1–3, adopted Sept. 12, 1996.

Sec. 20-5. Use of multi-use paths.

(a) *Definitions:* The following words and phrases, when used in this Code shall have the meanings ascribed to them herein except where the context otherwise requires:

Bicycle, as defined in § 316.003(2), Florida Statutes, means every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. No person under the age of 16 may operate or ride upon a motorized bicycle.

Bicycle lane means that portion of the paved surface of a road or highway specifically marked for the use of bicycles.

Bicycle path, except for "roads," as defined in § 316.003(63), means 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, and, henceforth, a multi-use path.

Electric personal assistive mobility device, commonly referred to as a "Segway," and as defined in § 316.003(83), Florida Statutes, means any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (one horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. Electric personal assistive mobility devices are not vehicles defined in this section.

Golf cart, as defined in § 316.003(68), Florida Statutes, means a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.

Moped, as defined in § 316.003(77), Florida Statutes, means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels; with a motor rated not in excess of two brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground; and with a power-drive system that functions directly or automatically without clutching or shifting gears

by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.

Motorized disability access vehicle, as defined in § 320.01(34), Florida Statutes, means a vehicle designed primarily for handicapped individuals with normal upper body abilities and designed to be fueled by gasoline, travel on not more than three wheels, with a motor rated not in excess of two brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground, and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.

Multi-use path means a paved or unpaved recreational trail, bicycle path or sidewalk, maintained by Walton County within and without county road rights-of-way, on public or private property, intended for and open to the use of the public for travel and recreation activities; multi-use paths are not part of the "County Road System" as defined in Chapter 336, Florida Statutes.

Sidewalk, as defined in § 316.003(47), Florida Statutes, means that portion of a street between the curblin, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

Utility vehicle, as defined in § 320.01(43), Florida Statutes, means a motor vehicle designed and manufactured for general maintenance, security, and landscaping purposes, but the term does not include any vehicle designed or used primarily for the transportation of persons or property on a street or highway, or a golf cart, or an all-terrain vehicle as defined in § 316.2074.

(b) *Use of multi-use paths*: The following uses are authorized on and across Walton County multi-use paths:

- (1) Pedestrians, including persons walking, jogging, running, roller skating and in-line skating.
- (2) Human-propelled baby carriages and strollers.
- (3) Electric personal assistive mobility devices, motorized disability access vehicles, and powered and non-powered wheelchairs.
- (4) Bicycles, but only when operated in accordance with the provisions of § 316.2065, Florida Statutes.
- (5) Mopeds, but only when propelled solely by human power.
- (6) Human-propelled scooters and skateboards.
- (7) Golf carts and utility vehicles, but only when operated by law enforcement, fire district, county or public utility personnel or by owners of properties adjacent to the multi-use path and their employees and contractors performing necessary maintenance and landscaping; and provided use of such vehicles on multi-use paths is for the least time and distance required to accomplish the task at hand.

(c) *Restrictions on vehicles on multi-use paths*: All users of multi-use paths are restricted to the following:

- (1) No vehicle, other powered device, bicycle, baby carriage or stroller shall be stopped and left unattended on a multi-use path, except momentarily.
- (2) Users shall move themselves and their vehicles or other devices as far off the multi-use path as possible, considering the safety of themselves, their equipment and other users.
- (3) All users shall yield to slower moving pedestrians traveling upon multi-use paths.
- (4) All users shall conduct themselves in a reasonable and safe manner.

(d) *Driveways*: None of the provisions of this section shall apply to permitted driveways.

(e) *Penalties*: Violations of this section shall be non-criminal, civil infractions. See section 20-11, below.

(Ord. No. 2009-02, § 2, 1-13-09)

Editor's note: Ord. No. 2009-02, § 1, adopted Jan. 13, 2009, repealed the former § 20-5, and enacted a new § 20-5 as set out herein. The former § 20-5 pertained to motor vehicles on bike paths and derived from Ord. No. 98-5, §§ 1-4, adopted March 10, 1998; Ord. No. 2003-15, § 4, adopted Sept. 9, 2003.

Sec. 20-6. Reserved.

Editor's note: Ord. No. 2003-15, § 5, adopted Sept. 9, 2003, renumbered § 20-6, which pertained to all terrain vehicle regulations, to read as § 20-20. See the Code Comparative Table.

Sec. 20-7. Emergency preemption equipped traffic signals.

(a) *Required*. All new or replacement traffic signals within the unincorporated areas of the county are required to be equipped with emergency vehicle preemption equipment. This equipment shall be installed per manufacture recommendations, in sufficient quantity to provide emergency vehicle preemption of the traffic signal from all directions and so that each direction of traffic will move independently, allowing for protected left turn movements.

(b) *Future equipment compatibility*. All future preemption equipment provided shall always be state of the art and be compatible with existing emergency vehicle preemption equipment.

(c) *Use limited to emergency vehicles*. Use of preemption equipment shall be limited to Walton County emergency vehicles. Use by private citizens is prohibited.

(d) *Penalty*. Violations of subsection (c) of this section are punishable pursuant to F.S. § 125.69. Violations of county ordinances shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment or by both such fine and imprisonment.

(Ord. No. 2002-19, §§ 1-4, 11-12-02)

Editor's note: Ord. No. 2002-19, §§ 1-4, adopted Nov. 12, 2002, did not specifically amend the Code; hence, inclusion herein as § 20-7 was at the discretion of the editor.

Cross references: Emergency regulations and services, ch. 8.5.

Sec. 20-8. Designating no parking areas.

The county administrator or his designee shall be empowered to designate additional public areas within the unincorporated sections of the county to be "no parking" areas. In determining the necessity for the designation of an area to be "no parking" the county administrator or his designee shall evaluate the safety hazard within a given area that public parking would pose to other vehicle or pedestrian traffic, right-of-way damage or such other factors as the county administrator may deem reasonably appropriate. Those areas designated as "no parking" areas shall be posted with "no parking" signs spaced at such intervals as to place a motorist on notice of that area's designation.

After a public area has been designated and posted as a "no parking" area, no vehicles shall be permitted to park therein. However, this section shall not apply to law enforcement, fire or ambulance vehicles that are parked in the furtherance of their public service responsibilities.

No parking signs shall indicate that vehicle may be towed and provide a contact number for vehicle owners to call to determine the location of towed vehicles.

(Ord. No. 2003-15, § 6, 9-9-03)

Sec. 20-9. Parking vehicle for sale prohibited.

No person shall park a vehicle on a street, roadway, or county right-of-way for the principal purpose of displaying such vehicle for sale.

Vehicles removed in violation of this section shall be removed in accordance with F.S. § 316.1951 and associated administrative rule.

(Ord. No. 2003-15, § 7, 9-9-03)

Sec. 20-10. Parking on lawns, pathways, in front of driveways, on private property and in certain rights-of-way.

(a) No vehicle shall be permitted to park on public building lawns, or in front of, or so as to block entrances or driveways into public or private property from streets, avenues, highways or boulevards.

(b) No vehicle shall be permitted to park in any private alley, drive, driveway or on other privately owned property without the permission or consent of the owners of such private alley, drive, driveway or property.

(c) Temporary parking for construction vehicles, South Walton County only. As part of a major development plan submittal for development of over 20 single family lots, 30 multi-family units or 5,000 square feet, a parking plan for construction vehicles shall be submitted with the development application. Parking alternatives such as remote parking, on-site or other means may be proposed for approval during the review process. However, this provision does not apply to the construction of individual single family homes. Construction vehicles shall be defined as any vehicle belonging to any vendor, supplier, contractor, builder, or worker. Signage must be placed at both ends of a construction zone within view of traffic. Along any right-of-way or private street abutting the site of the construction activity, signage must indicate "construction zone ahead" and remain in place for the duration of the construction activity. Loading or unloading activity shall be conducted outside the county right-of-way.

It shall be incumbent upon the owner, developer and/or contractor to provide controlled access parking on the construction site or utilize a temporary remote parking area. Such temporary remote parking area may be an existing approved parking lot of a business or multifamily development, or an existing cleared lot or parcel in a commercial or multifamily residential area. In the case of an existing cleared lot or parcel, at a minimum, the parking and vehicle use areas shall be graded and graveled and shall be subject to the storm water retention requirements of the Land Development Code.

In all cases, the owner, developer, contractor shall obtain written permission from the owner of the land where the temporary remote parking area is located and maintain a copy of the written

permission at the construction site at all times the remote parking area is utilized. The owner of a parcel used for temporary parking may require the temporary parking area to be restored to its original condition prior to its use as a temporary parking area.

Any disturbed right-of-way shall be restored to its pre-existing condition, including paving, slope and percolation rate, sodding and shall be approved by the county engineer.

Upon inspection by appropriate county staff, any off-site infrastructure, including roadways, bike paths, sidewalks, drainage structures, signage and vegetation, damaged as a result of construction activities shall be restored to original condition by the owner/developer/contractor prior to the issuance of a certificate of occupancy. Assessment of damage repair and restoration shall be performed by the county engineer.

(Ord. No. 2003-15, § 8, 9-9-03; Ord. No. 2005-09, §§ 2, 3, 4-26-05)

Sec. 20-11. Violations declared civil infractions.

Violations of section 20-3, 20-5, 20-8, 20-9, and 20-10 are hereby declared to be noncriminal, civil infractions and may be prosecuted in the name of the county, in a county court civil traffic hearing, by the sheriff's deputy who issued such citation.

(Ord. No. 2003-15, § 9, 9-9-03)

Sec. 20-12. Enforcement procedures.

If a sheriff's deputy discovers a vehicle parked in violation of sections enumerated in section 20-11 as well as in violation of Florida Statute, he shall issue a notice of violation to the vehicle on a form to be provided by the county administrator and place a copy of the notice in a conspicuous place on the vehicle. The original notice shall then be filed with the clerk of the circuit court's traffic division which shall process it in accordance with F.S. § 316.1967(1)–(4). The notice provided the violator and the clerk shall identify the vehicle, license plate number, time, date, location and violation charged. Additionally, the notice shall inform the violator that he has been charged with a noncriminal infraction and that he may elect to either:

(1) Pay a fine of \$30.00; or

(2) Waive the scheduled fine and request a hearing with the traffic division. At such hearing the presiding judge shall, upon a finding that the violator committed the infraction charged, impose a civil penalty not to exceed \$100.00 plus court costs.

(Ord. No. 2003-15, § 10, 9-9-03)

Sec. 20-13. Authorization to impound vehicles.

(a) Sheriff's deputies of the county are hereby authorized to remove a vehicle from a public street, park, lawn, bike path, or parkway or from any private alley, drive, driveway or other privately owned property and to cause the same to be impounded when a vehicle is left unattended for 24 hours, impedes auto, bike, or pedestrian traffic or otherwise creates a hazardous condition.

(b) Whenever a sheriff's deputy removes a vehicle, and the officer is able to ascertain from the registration records, the name and address of the owner thereof, the officer or other appropriate officials shall immediately notify the owner in writing the place where the vehicle has been taken to. The notice shall state that the owner is responsible for towing and storage costs.

(c) Whenever a sheriff's deputy is unable to ascertain the name and address of the owner of the vehicle or is otherwise unable to notify the owner as provided above, and in the event the vehicle is not claimed by the owner within a period of three days, then the sheriff's department shall immediately send a written notice of such removal and impoundment to the executive director of the Florida Department of Highway Safety and Motor Vehicles. 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 location where the vehicle is being stored.

(d) The owner or operator of any vehicle impounded hereunder shall be responsible and liable for the storage charges against such vehicle before the vehicle shall be released.

(Ord. No. 2003-15, § 11, 9-9-03)

Secs. 20-14--20-19. Reserved.

Sec. 20-20. All terrain vehicle regulations.

(a) Definitions.

All terrain vehicles means any motorized off-highway vehicle 50 inches or less in width, having a dry weight of 600 pounds or less, traveling on three or more low-pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and having handlebars for steering control.

County roadway means that portion of a county highway improved, designed or ordinarily used for vehicular travel, including right-of-way.

County street or highway means the entire width between the boundary lines of every county right-of-way of whatever nature when any part thereof is open to the use of the public for purpose of vehicular traffic. This includes the right-of-way.

(b) It shall be unlawful for any person to operate an all terrain vehicle on any county roadway, county street or county highway.

(c) It shall be unlawful for any person to ride upon an all terrain vehicle in excess of the manufacturer's seating capacity.

(d) An all terrain vehicle having four wheels may be used by police officers and county employees or county approved contracts on public beaches for the purpose of enforcing state laws and county ordinances and may be used by police officers and county employees or county approved contracts in the performance of their duties.

(e) Penalty. Any person violating any provision of this section shall be guilty of a misdemeanor of the second degree.

(Ord. No. 98-19, §§ I-IV, 8-25-98; Ord. No. 2003-15, § 5, 9-9-03)

Note: Formerly, § 20-7

Sec. 20-21. Disability parking.

(a) *Short title.* This section shall be known as "The Walton County Disability Parking Ordinance."

(b) *Authority.* This section is adopted pursuant to F.S. §§ 125.01 and 316.008(4)(a).

(c) *Regulation of parking for disabled persons.*

(1) *Marking of parking spaces.* All parking spaces which are required by law to be specially designed and marked motor vehicle parking spaces for the exclusive use of those physically disabled persons who have been issued an exemption entitlement parking permit pursuant to F.S. § 316.1958 or § 320.0848, shall be prominently outlined with blue paint and shall be posted with a permanent above-grade sign of a color and design in accordance with F.S. § 316.1955 and § 553.5041 and approved by the Florida Department of Transportation, bearing the international symbol of accessibility and the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign erected after October 1, 1996, must indicate the penalty for use of the space. The sign must also indicate "Unauthorized vehicles may be towed at owners' expense." Any violation of this section may not be dismissed for failure of the marking on the parking space to comply with the above requirements if the space is in general compliance and is clearly distinguishable as a designated accessible parking space for disabled persons. Only a warning may be issued for unlawfully parking in a space designated for persons with disabilities if there is no above-grade sign as provided in F.S. § 553.5041.

(2) *Permit required.* It shall be unlawful for any person to stop, stand, or park a vehicle within any parking space which is designated as handicapped parking, parking by disabled permit only, or disabled parking pursuant to F.S. § 316.1955, unless such vehicle displays a parking permit issued pursuant to F.S. § 316.1958 or § 320.0848 or a license plate issued under F.S. § 320.084, § 320.0842, § 320.0843, or § 320.0845, and such vehicle is transporting a person eligible for the parking permit.

(3) *Temporary parking.* Any person who is chauffeuring a person who has a disability is allowed, without need for a disabled parking permit or a special license plate, to stand temporarily in any such parking space, for the purpose of loading or unloading the person who has a disability. A penalty may not be imposed upon the driver for such temporary standing.

(4) *Penalties.*

a. Any vehicle parked in a properly designated disabled parking space in violation of F.S. § 316.1955, shall be fined in the amount of \$250.00 for each such occurrence payable to the clerk of court.

b. A sign reading "\$250 FINE" shall be attached to each permanent above-grade sign indicating such restricted parking space; provided, however, the fact a space which is clearly distinguishable as a designated accessible parking space for people who have disabilities is not marked with a "\$250 FINE" sign, whether due to full or partial absence, an inaccurate amount, defacement, mutilation or otherwise, may not excuse a violation nor limit the fine set forth above.

c. Fines collected from violations of this section or F.S. § 316.1955(1) shall be deposited in a separate county account to be used in the following manner:

1. One-third to be used to defray expenses for the administration of the collection of fines.

2. Two-thirds to be used to provide funds to improve accessibility and equal opportunity to qualified persons and to provide funds to conduct public awareness programs in the county concerning persons who have disabilities.

d. In addition to the fine set forth in subsection a. of this section, whenever the sheriff or his designee finds a vehicle in violation of this section, the sheriff or his designee may have the unauthorized vehicle removed or require the operator or person in charge thereof immediately to remove the unauthorized vehicle from the parking space.

(5) *Liens.* Whenever any vehicle is removed under this section by the sheriff, or his designated agent, to a storage lot, garage, or other safe parking space, the cost of such removal and parking constitutes a lien against such vehicle as provided in F.S. § 316.1955.

(6) *Exemption.* Motor vehicle displaying a special license plate or parking permit issued to a disabled person by any other state or district allowing such vehicle the special parking privileges allowed in this section is exempted from the provisions of this section.

(Ord. No. 2007-01, §§ 1-3, 2-13-07; Ord. No. 2010-07, §§ 1, 2, 4-27-10)

Editor's note: Ord. No. 2007-01, §§ 1-3, adopted Feb. 13, 2007, added provisions that were not specifically amendatory. At the editor's discretion, said provisions have been included herein as § 20-21.

Sec. 20-22. ATVs prohibited on unpaved roads.

Walton County is exempt from the provisions of F.S. § 316.2123, which allows ATVs to be operated during the daytime on unpaved roadways where the posted speed limit is less than 35 miles per hour by a licensed driver or by a minor under the supervision of a licensed driver. ATVs are defined in accordance with F.S. § 317.0003. ATVs may not be operated during anytime of day or night on an unpaved roadway within Walton County.

(Ord. No. 2007-49, § 1, 11-27-07)

Editor's note: Ord. No. 2007-49, § 1, adopted Nov. 27, 2007, added § 20-21, which the editor has redesignated as § 20-22 to avoid duplication of section numbers.