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ORDINANCE NO. 2013- 4

AN ORDINANCE AMENDING THE "HERNANDO COUNTY PARKING ORDINANCE"; CHAPTER 20 (MOTOR VEHICLES AND TRAFFIC), ARTICLE III (STOPPING, STANDING AND PARKING) OF THE HERNANDO COUNTY CODE OF ORDINANCES; PROVIDING FOR AMENDMENT TO SECTION 20-40 TO PROHIBIT VEHICLE STANDING, STOPPING, OR PARKING ON SIGNED RIGHT-OF-WAYS WITHIN 750 FEET OF SCHOOL PROPERTY ENTRANCES; PROVIDING FOR AN INCREASE IN PENALTIES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Hernando County Board of County Commissioners has the legal authority to regulate vehicle stopping, standing and parking on County roadways and on County-owned/controlled property, not inconsistent with State Law; and

WHEREAS, large numbers of illegally stopping, standing and parking vehicles in County roadways and right-of-ways in the immediate vicinity of several public schools in the hours surrounding the start of, and the end of, regular school hours have created a hazardous and dangerous environment for students; and

WHEREAS, the Hernando County Sheriff's Department has requested that the Board of County Commissioners exercise its regulatory authority to protect students from such vehicular traffic hazards while walking to and from school; and

WHEREAS, the Hernando County Board of County Commissioners, pursuant to its authority to regulate stopping, standing and parking on all County roads, hereby amends the Hernando County Code of Laws and Ordinances, in the interest of the public health, safety, and welfare.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION I. Hernando County Code Section 20-40, (General prohibition upon stopping, standing and parking in certain places) is hereby amended to add a new Paragraph (14) to prohibit vehicle stopping, standing and parking within up to seven hundred fifty (750) feet of a school entrance during specified times, said paragraph to read as follows, with underlined language added and strike through language deleted:

1 Sec. 20-40 - General prohibition upon stopping, standing and parking in certain
2 areas.
3

4 Within the unincorporated areas of Hernando County, except when necessary to
5 avoid conflict with other traffic, or in compliance with law or the directions of
6 any law enforcement officer, or fireman at the scene of an emergency or official
7 traffic-control device, no person shall:

8 (a) Stop, stand or park a vehicle:

9 (1) On the roadway side of any vehicle stopped or parked at the edge
10 or curb of a street;

11 (2) On a sidewalk;

12 (3) Within an intersection;

13 (4) On a crosswalk;

14 (5) Alongside or opposite any street excavation or obstruction when
15 stopping, standing or parking would obstruct traffic;

16 (6) Upon any bridge or other elevated structure upon a highway or
17 within a highway tunnel;

18 (7) On any railroad tracks;

19 (8) At any place where an official traffic-control device prohibits
20 stopping;

21 (9) Between a safety zone and the adjacent curb or within thirty (30)
22 feet of points on the curb immediately opposite the ends of a safety
23 zone, unless a different length is indicated by signs or markings;

24 (10) On a bicycle path;

25 (11) On the roadway or shoulder of a limited access facility or on the
26 paved portion of a connecting ramp; except that a vehicle which is
27 disabled or in a condition improper to be driven as a result of mechanical
28 failure or accident may be parked on such shoulder for a period not to
29 exceed six (6) hours. This provision is not applicable to a person stopping
30 a vehicle to render aid to an injured person or assistance to a disabled
31 vehicle in obedience to the directions of a law enforcement officer or
32 fireman at the scene of an emergency, or to a person stopping a vehicle
33 in compliance with applicable traffic laws;

34 (12) a. Whether attended or unattended, upon the paved or main-
35 traveled part of the highway when it is practicable to stop, park or so
36 leave the vehicle off such part of the highway; but in every event an
37 unobstructed width of the highway opposite a standing vehicle shall be
38 left for the free passage of other vehicles, and a clear view of the stopped
39 vehicle shall be available from a distance of two hundred (200) feet in
40 each direction upon the highway.

41 b. This paragraph shall not apply to the driver or owner of any
42 vehicle which is disabled while on the paved or main-traveled portion of
43 the highway in such manner and to such extent that it is impossible to
44 avoid stopping and temporarily leaving the disabled vehicle in such
45 position, or to passenger-carrying buses temporarily parked while
46 loading or discharging passengers, where highway conditions render such
47 parking off the paved portion of the highway hazardous or impractical.

48 c. Whenever any law enforcement officer finds a vehicle
49 standing upon a highway in violation of any of the foregoing provisions

1 of this section, the officer is authorized to move the vehicle, or require
2 the driver or other persons in charge of the vehicle to move the same, to
3 a position off the paved or main-traveled part of the highway.

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

9 1. Where such vehicle constitutes an obstruction of traffic;

10 2. Where such vehicle has been parked or stored on the public
11 right-of-way for a period exceeding forty-eight (48) hours, in other
12 than designated parking areas, and is within thirty (30) feet of the
13 pavement edge; or

14 3. Where such vehicle has been parked or stored on the public
15 right-of-way for a period exceeding ten (10) days, in other than
16 designated parking areas, and is more than thirty (30) feet from
17 the pavement edge. However, the agency removing such vehicle
18 shall be required to report same to the department of highway
19 safety and motor vehicles and the Florida Highway Patrol within
20 twenty-four (24) hours of such removal.

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

26 (13) On a pay designated parking space where no parking fee has been
27 paid to cover the duration of time the vehicle is stopped, standing or
28 parked in said space.

29 (14) Within the entire County right-of-way, for a distance up to seven
30 hundred and fifty (750) feet from the driveway or entrance of any real
31 property owned by or leased to any public or private elementary, middle,
32 or high school, or school board and used for elementary, middle, or high
33 school education, during the following time periods:

34 a. from one hour prior to the start of a school session to one
35 hour after the start of the school session; and

36 b. from two hours prior to the conclusion of a school session
37 to one hour after the conclusion of a school session.

38 Notwithstanding the precise hour and two hour time standards above,
39 the times posted on signage shall be rounded to the nearest hour or half-
40 hour mark. The prohibitions of this subsection shall not be effective
41 until posting of signage including prohibited stopping, standing and
42 parking times.

43
44 **SECTION II.** Hernando County Code Section 20-45, (Civil Penalties) is hereby
45 amended to modify Paragraph (d), to add reference to the new paragraph (14)
46 and to increase penalties, said paragraph to read as follows, with underlined
47 language added and strike through language deleted:
48

1 **Sec. 20-45. - Civil penalties.**

2 (a) Any person who stops, parks or stands a vehicle in violation of the
3 terms of section 20-40 or 20-42, but specifically excluding subsection 20-
4 40(a)(9)(13) and (14), shall be deemed to be charged with a noncriminal
5 violation and shall be assessed a civil penalty of eleven dollars (\$11.00).

6 (b) Any person who stops, parks or stands a vehicle in violation of the
7 terms of section 20-40 or 20-42 on county right-of-way or other property
8 owned or leased by the county where a no-parking zone is additionally
9 marked by "TOW-AWAY ZONE" signs conforming to the manual and
10 specifications of the Florida Department of Transportation shall be
11 deemed to be charged with a noncriminal violation and shall be assessed
12 a civil penalty of one hundred one dollars (\$101.00).

13 (c) Any person who stops, parks or stands a vehicle in violation of the
14 terms of Section 20-41 shall be deemed to be charged with a noncriminal
15 violation and shall be assessed a civil penalty of one hundred one dollars
16 (\$101.00).

17 (d) Any person who stops, parks or stands a vehicle in violation of the
18 terms of subsection 20-40 (a)(13) regarding parking in any pay designated
19 parking space without paying the required fee, or subsection 20-40
20 (a)(14), regarding stopping, standing and parking a vehicle in the vicinity
21 of a school entrance shall be deemed to be charged with a noncriminal
22 violation and shall be assessed a civil penalty of ~~forty~~ fifty dollars
23 (~~\$40.00~~) (\$50.00) .

24 (e) Each day any violation occurs or continues shall be a separate
25 offense.

26 (f) The amount of any civil penalty specified in this section shall be
27 increased by sixteen dollars (\$16.00) if payment is not received by the
28 county within the described thirty-day period after the parking ticket.

29 (g) The owner of a vehicle is responsible and liable for payment of any
30 parking ticket violations, except that the owner of a vehicle is not
31 responsible for any parking ticket violations if the vehicle involved was
32 reported as stolen at the time.

33
34 **SECTION III. APPLICABILITY.** This Ordinance shall be applicable throughout
35 the unincorporated area of Hernando County, and on any County-owned or
36 controlled property.

37
38 **SECTION IV. SEVERABILITY.** It is declared to be the intent of the Board of
39 County Commissioners that if any section, subsection, clause, sentence, phrase,
40 or provision of this ordinance is for any reason held unconstitutional or invalid,
41 the invalidity thereof shall not affect the validity of the remaining portions of
42 this ordinance.

43
44 **SECTION V. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature
45 applicable only to unincorporated areas of Hernando County, Hernando County
46 ordinances, County resolutions, or parts thereof, in conflict with this ordinance
47 are hereby superseded by this ordinance to the extent of such conflict except
48 for ordinances concerning either adoption or amendment of the Comprehensive
49 Plan, pursuant to Chapter 163, part II, Florida Statutes.


1 **SECTION VI. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be
2 and is hereby directed forthwith to send a certified copy of this ordinance to the
3 Bureau of Administrative Code, Department of State, R.A. Gray Bldg., Room 101,
4 500 S. Bronough Street, Tallahassee, FL 32399-0250.


5
6 **SECTION VII. INCLUSION IN CODE.** It is the intention of the Board of County
7 Commissioners of Hernando County, Florida, and it is hereby provided, that the
8 provisions of this Ordinance shall become and be made a part of the Code of
9 Ordinances of Hernando County, Florida. To this end, any section or subsection
10 of this Ordinance may be renumbered or re-lettered to accomplish such
11 intention, and the word "ordinance" may be changed to "section," "article," or
12 other appropriate designation. Whereas Clauses, and Sections III through
13 Section VIII need not be codified.

14
15 **SECTION VIII. EFFECTIVE DATE.** This ordinance shall take effect immediately
16 upon filing with the Department of State.

17
18 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 22
19 **DAY OF** January, 2013.

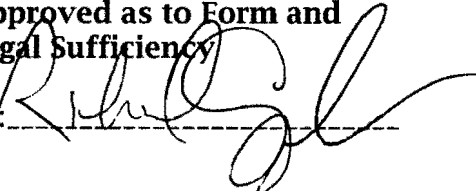
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21
22 **BOARD OF COUNTY COMMISSIONERS**
23 **HERNANDO COUNTY, FLORIDA**

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27 Attest: 
28 **W. C. BARBEE, JR., CLERK**

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25
26
27 By: 
28 **David D. Russell, Jr., CHAIRMAN**



36 **Approved as to Form and**
37 **Legal Sufficiency**

38
39 By: 



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

January 28, 2013

Honorable Don Barbee, Jr.
Clerk of the Circuit Court
Hernando County
Room 131, 20 North Main Street
Brooksville, Florida 34601-2800

Attention: Ms. Ashley Hofecker, Deputy Clerk

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 23, 2013 and certified copies of Hernando County Ordinance Nos. 2013-4 through 2013-6, which were filed in this office on January 28, 2013.

As requested, the date stamped originals are being return for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

Enclosure