

**SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: Public Hearing to Consider Amending and Repealing Sumter County Ordinance Chapter 17, Motor Vehicles and Traffic, Section 0-29., Section 0-32., and Section 0-33., on July 11, 2017, at 5:00 p.m. at the Sumter County Courthouse Historic Courtroom, 215 E. McCollum Avenue, Bushnell, FL 33513

REQUESTED ACTION: Staff Recommends Approval

Meeting Type: Regular Meeting

DATE OF MEETING: 7/11/2017

CONTRACT: N/A

Vendor/Entity: _____

Effective Date: _____

Termination Date: _____

Managing Division / Dept: **Administrative Services**

BUDGET IMPACT: _____

FUNDING SOURCE: _____

Type: Select
impact type

EXPENDITURE ACCOUNT: _____

HISTORY/FACTS/ISSUES:

The purpose of the amend and repeal is to update the county code related to proposed changes to the Sumter County Ordinance Chapter 17, Motor Vehicles and Traffic. These changes have been coordinated and reviewed with the Sumter County Office of the Sheriff. The proposed changes are safety based and enable the Sheriff to enforce illegal and unsafe parking conditions on public and private properties whereby the public is permitted to operate motor vehicles. Proposed changes were made to the following:

Section 0-29. – Stopping, standing or parking

(3)

b. to clarify parking on a county road, public parking lot, and public or private property where the public has the right to travel by motor vehicle.

d. to clarify parking at any public or private place that is designated as handicapped.

e. to clarify parking at any public or private place where the official traffic control devices prohibit stopping, standing, parking by signage, or would otherwise impede drive aisle or access to handicapped ramps and pedestrian access ways.

Section 0-32.- Enforcement repealed and replaced in its entirety with the following:

Section 0-32. -Violations and Enforcement

Section 0-33. – Civil penalties

a. to clarify noncriminal violations and associated fines for said civil penalties.

Prepared by: Tamara Hyder

Grammarly Check

APPROVED

Page 1 of 1

ORDINANCE 2017-10

July 11, 2017



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 12, 2017

Honorable Gloria R. Hayward
Clerk and Auditor
Board of County Commissioners
Sumter County
Post Office Box 247
Bushnell, Florida 33513

Attention: Ms. Caroline Alrestimawi, Deputy Clerk

Dear Ms. Hayward:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Sumter County Ordinance No. 2017-10, which was filed in this office on July 12, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

SUMTER COUNTY ORDINANCE NO. 2017- 10

AN ORDINANCE OF THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS, AMENDING AND REPEALING CERTAIN SECTIONS WITHIN CHAPTER 17, "MOTOR VEHICLES AND TRAFFIC" SECTION 0-29. - STOPPING, STANDING OR PARKING; SECTION 0-32. - ENFORCEMENT; SECTION 0-33. - CIVIL PENALTIES. PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS AND SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Sumter County Board of County Commissioners has directed the periodic review of all elements of the Sumter County Code of Ordinances to eliminate redundancies, conflicts, inconsistencies and ambiguities, and to ensure that all statutory references are current and accurate; and,

WHEREAS, at the direction of the Sumter County Board of County Commissioners, County Staff has identified changes necessary to the provisions of Chapter 17 of the County Code of Ordinances "Motor Vehicles and Traffic"; and

WHEREAS, the Sumter County Board of County Commissioners, after the appropriate publication of notice of its intention to consider this Ordinance, has determined that in consideration of the health, safety and welfare of its citizens, it is in the best interests of Sumter County, Florida to approve this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Sumter County, Florida, as follows:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to Amend and Repeal the Sumter County Code of Ordinances: Chapter 17 (Motor Vehicles and Traffic), specifically Amending and Repealing sections 0-29. - Stopping, standing or parking, Section 0-32. - Enforcement and Section 0-33. - Civil Penalties, shown in "EXHIBIT A" attached hereto.

SECTION 2. AUTHORITY.

Pursuant to Article VIII, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, the Sumter County Board of County Commissioners has all powers of local self-government to perform county functions and render county services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances.

SECTION 3. CODIFICATION. It is the intention of the Sumter County Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Sumter County, Florida.

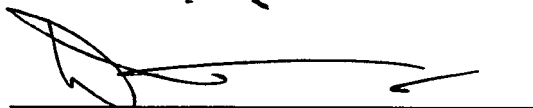
SECTION 4. CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect upon final approval by the Sumter County Board of Commissioners.

PASSED AND ADOPTED BY THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS, SUMTER COUNTY, FLORIDA, THIS 11th DAY OF July, 2017.

SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS



DOUG GILPIN, CHAIRMAN



ATTEST:

Caroline Alrestimawi

**GLORIA HAYWARD,
SUMTER COUNTY CLERK OF COURT
BY: CAROLINE ALRESTIMAWI, Deputy Clerk**

"EXHIBIT A"

• **Sec. 0-29. - Stopping, standing or parking.**

a. Within the unincorporated areas of Sumter County, Florida, except when necessary to avoid conflict with other traffic, or in compliance with law or other directions of the sheriff or his deputy or official traffic-control device,

(1) No person shall stop a vehicle, stand a vehicle or park a vehicle in any of the following places:

- 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. In or on any county road or street right-of-way in the unincorporated area of Sumter County.

(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;

"EXHIBIT A"

- d. Within thirty (30) feet upon the approach to any flashing signal, stop 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 sign posted);
- f. In or on any county road, street or right-of-way within the unincorporated area of Sumter County.

(3)

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

- a. Within fifty (50) feet of the nearest rail of railroad crossing;
- b. In or on any county road, public parking lot, public or private property where the public has the right to travel by motor vehicle where the parking is not marked as a parking space or otherwise impedes the orderly progression of traffic within such lot, street, right-of-way or property within the unincorporated area of Sumter County.
- c. Except as otherwise provided in this division, every vehicle stopped or parked upon a two-way street or highway shall be so stopped or parked with the right-hand wheel's parallel to and within twelve (12) inches of the right-hand curb or edge of the street or highway.
- d. At any public or private place that is designated as a handicapped parking place for handicapped persons, unless and except when said vehicle is duly permitted for parking therein by virtue of the fact that there is handicapped occupant.
- e. At any public or private place where the official traffic control devices prohibit stopping, standing, parking by signage, or would otherwise impede the drive aisle or access to handicapped ramps, and pedestrian access ways.

"EXHIBIT A"

f.

Except as otherwise provided in this division, 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 wheel within twelve (12) inches of the right-hand curb or edge of the roadway, or its left-hand wheel within twelve (12) inches of the left-hand curb or edge of the roadway.

g.

The above provisions shall not apply to delivery vehicles, utility company vehicles, service vehicles, or other vehicles temporarily parked or stopped in the areas mentioned above in connection with bona fide deliveries, construction, maintenance or other duties normally associated with the duties and responsibilities of the drivers thereof, provided, however, if a law enforcement officer determines that such vehicle is posing an immediate danger to the safety and welfare of the public, the driver or other person responsible for the vehicle shall move the vehicle upon request by the law enforcement officer. Failure to comply with any such order shall constitute a violation of this division.

(Ord. No. 90-9, § 3, 8-21-90)

- **Sec. 0-30. - Parking in fire lanes.**

No person shall park a vehicle in a fire lane except for a police, emergency, rescue and/or fire fighting vehicle or piece of equipment.

(Ord. No. 90-9, § 4, 8-21-90)

Cross reference— Adoption of Standard Fire Prevention Code, § 6-1(9).

- **Sec. 0-31. - Regulation of parking in parking areas located on property owned or leased by Sumter County, Florida.**

The board of county commissioners shall have jurisdiction to regulate parking by resolution of the board 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.

(Ord. No. 90-9, § 5, 8-21-90)

- **Sec. 0-32. - Violations and Enforcement.**

a. Any person violating this part shall pay the fine, assessed each day as a separate violation and ticketed as a separate offense designated on the citation, as established by the following schedule, which may be amended from time to time by resolution adopted by the board of county commissioners:

(1) Handicap parking, \$250.00.

"EXHIBIT A"

- (2) Fire hydrant and fire lane/zone violations, \$35.00.
- (3) All other violations, \$25.00.
- (4) Late payment, \$10.00.

b.

A sheriff or deputy sheriff who has probable cause to believe that a person has committed an act in violation of this part or Sec. 0-32 – Violations and Enforcement, may issue a municipal citation therefor, a law enforcement officer who discovers a vehicle parked in violation of this division 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. The law enforcement officer 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.

c.

Municipal citations issued pursuant to this section shall include the following information:

- (1) Date, time, and location of issuance;
- (2) Vehicle license number and state;
- (3) Vehicle make and color;
- (4) Violation charged;
- (5) Amount of fine;
- (6) Department case number;
- (7) Issuing officer's signature;
- (8) Name and address of issuing agency;
- (9) Number of days allowed to pay the fine;
- (10) Instructions for contesting the citation; and
- (11) Instructions for paying the fine and failure to pay fine.

d.

Any person issued a municipal citation pursuant to this section may, within ten days of issuance of the citation:

- (1) Pay the civil penalty, either by mail or in person; or
- (2) Contest the citation in county court.

Payments postmarked and mailed within the ten-day period shall be considered timely.

"EXHIBIT A"

e.

Any person electing to contest the citation and choosing to appear in county court shall be deemed to have waived the limitations on the civil penalty specified in subsection (a) of this section. The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of a violation has been proven, the court may impose a civil penalty not to exceed five hundred dollars (\$500.00).

f.

Any person failing to pay the civil penalty or contest the citation in county court, either by mail or in person, within ten days of receiving the citation shall have a late payment charge imposed and be deemed to have waived any right to contest the citation. A notice at time of issuance shall advise the owner that failure to pay the fine plus the late payment charge of \$10.00 within 24 days of the receipt of the citation shall result in the matter being transferred to the county court for further proceedings. The notice shall also advise the owner that any right to contest the citation has been waived and that failure to pay the amount due may result in the imposition of a fine by the court not to exceed five hundred dollars (\$500.00) and in a hold being put on the further issuances of driver's licenses and registrations to the owner.

g.

If the owner does not pay the fine and the late payment charge within the prescribed 24-day time limit, the citation shall be forwarded to the clerk of the circuit court for placement upon the county court docket. Notice of the hearing date shall be promptly provided by the clerk of the court to the owner of the vehicle in question by certified mail, return receipt requested.

h.

The clerk of the circuit court shall submit to the state department of safety and motor vehicles a list of all owners who have three or more outstanding municipal citations issued by the county, for which fines have not been paid directly to the county or through the county court. Upon receipt of this list, the state department of safety and motor vehicles shall make the appropriate annotations to the records of the owner in question so as to prevent the owner from receiving a driver's license or vehicle registration until the fines for the citations are paid.

i.

Any person issued a citation for a violation of subsection (a)(1) above may provide proof to the that they have a valid parking permit or license plate issued pursuant to a F.S. § 316.1958, § 320.0842, § 320.0845, or § 320.0848, and present a signed affidavit from the owner of the disabled parking permit stating that the owner of the disabled parking permit was present at the time the violation occurred, and such parking permit or license plate was valid at the time the violation occurred. Upon provision of proof of such a valid parking permit or license plate and payment of a five dollar (\$5.00) dismissal fee, the violation shall be dismissed.

"EXHIBIT A"

• **Sec. 17-19. - Removal or immobilization of vehicles.**

- The sheriff or any sheriff's deputy of this county is authorized to remove, or cause to be removed to a place designated by such sheriff or deputy, any vehicle parked in violation of any provision of this article and is authorized and empowered to keep the same in such place so designated until all fines and charges assessed for towing and storage against the owner and the vehicle have been paid or satisfactory bond arranged. In addition, the sheriff or any sheriff's deputy is authorized to immobilize, by use of a lock-up device, any vehicle parked in violation of any provision of this article until the prescribed fine is paid or a hearing is scheduled.

(Ord. No. 82-9, § 10, 6-15-82)

Section 17-30 - Authority to impound vehicles.

a.

Whenever any law enforcement officer finds a vehicle standing upon a street, highway, alley, private property as described herein, or right-of-way in violation of this section such officer is authorized to move such vehicle or require the driver or person in charge of the vehicle to move the vehicle, so as to correct the violation. Law enforcement officers shall only be empowered to tow vehicles in accordance with subsection (b) of this section.

b.

Law enforcement officers are authorized to remove and impound a vehicle from a street, highway, alley, private property described herein, or right-of-way to the county contracted tow service storage facility, or other place of safety, or to a garage designated or maintained by the county, under the following circumstances:

- (1) When any vehicle is left unattended and constitutes an obstruction to traffic.
- (2) When the owner or person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody and removal.
- (3) When any vehicle is left unattended and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic, in violation of this part.
- (4) When any vehicle is left unattended continuously for more than 48 hours and may be presumed to be abandoned.
- (5) When the driver of such vehicle is taken into custody by law enforcement and such vehicle would thereby be left unattended.
- (6) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency.

"EXHIBIT A"

c.

The amount of any civil penalty specified in this section shall be increased by five dollars (\$5.00) 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 17-58(c).

• **Sec. 0-34. - Procedures governing payment of civil penalties and proceedings to enforce payment for county parking violations.**

a. Any person issued a county parking ticket, pursuant to section 17-56 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 was issued.

(1)

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 division.

(2)

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.

b.

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 five hundred dollars (\$500.00), plus court costs for each parking violation.

c.

Upon receipt of a complete parking ticket submitted by a law enforcement officer pursuant to section 17-56, the clerk shall notify the registered owner first listed on such ticket of its issuance if there has been no response pursuant to paragraph (a) 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 (a) 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.

(Ord. No. 90-9, § 8, 8-21-90)



PARKING CITATION

PV00021

AGENCY SUMTER COUNTY SO		CITY OF (IF APPLICABLE) UNINC - 213 (00)	
COUNTY OF SUMTER (44)			
IN THE COURT DESIGNATED BELOW THE UNDERSIGNED CERTIFIES THAT HEREIN HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT ON			
DAY OF WEEK MON	MONTH 06	DAY 05	YEAR 2017
		02:22	<input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.
NAME (PRINT) FIRST PETER	MIDDLE A	LAST PAN	
BUSINESS NAME		BUSINESS PHONE	
STREET 123 NEVERLAND WAY			
CITY RIGHTSTAR		STATE FF	ZIP CODE 99663
TELEPHONE NUMBER 123-456-7890	DATE OF BIRTH MO 02 DAY 14	YEAR 1960	RACE W
		SEX M	HGT 303
DRIVER LICENSE NUMBER P123-456987-00-01	VIN DGCHGR1234567P098	STATE CO	CLASS A
			YR. LICENSE EXP. 2017
YR. VEHICLE 1970	MAKE DODG	STYLE 2D	COLOR GRN
VEHICLE LICENSE NO. GRF426	TRAILER TAG NO.	STATE FL	YEAR TAG EXPIRES 2018
UPON A PUBLIC STREET OR HIGHWAY, OR OTHER LOCATION, NAMELY 1234A CR-469		MOTORCYCLE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
LATITUDE: N 28 36.2394		LONGITUDE: W 81 57.8362	
DID COMMIT THE FOLLOWING OFFENSE:			
IN VIOLATION OF STATE STATUTE		VIOLATION NUMBER 316.074(1)	
VIOLATION DESCRIPTION TRAFFIC CONTROL DEVICE FAIL TO OBEY			

IF UNLAWFUL SPEED, INDICATE SPEEDS

UNLAWFUL SPEED _____ MPH SPEED APPLICABLE _____ MPH

OFFICER COMMENTS PERTAINING TO OFFENSE
THIS VIOLATION WAS ONLY USED AS AN EXAMPLE TO SHOW SOME INFORMATION
INSTEAD OF A LOT OF WHITESPACE. IN THE FUTURE, "VIOLATION NUMBER" WILL LIST
THE SECTION OF THE ORDINANCE, ETC...

OFFICER NOTES / INSTRUCTIONS TO DEFENDANT

FINE AMOUNT IS \$ **264.00** **PV00021**

COURT INFORMATION: **07/04/2017**

DATE TIME

SUMTER COUNTY COURT

COURT

215 EAST MCCOLLUM AVENUE

LOCATION

BUSHNELL, FLORIDA 33513 (352) 569-6600

I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND INSTRUCTIONS
SPECIFIED IN THIS CITATION. WILLFUL REFUSAL TO ACCEPT AND SIGN THE CITATION MAY RESULT
IN ARREST. I UNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUILT OR WAIVER OF RIGHTS.
IF YOU NEED REASONABLE FACILITY ACCOMMODATIONS TO COMPLY WITH THIS CITATION,
CONTACT THE CLERK OF THE COURT.

X SIGNATURE OF VIOLATOR (SIGNATURE IS REQUIRED IF INFRACTION REQUIRES AN APPEARANCE IN COURT)

CIVILIAN POLLOCK, JAMES **60287** **SCSOADMIN**

RANK - NAME OF OFFICER BADGE NO. ID NO. TROOP / UNIT

I CERTIFY THIS CITATION WAS DELIVERED TO THE PERSON CITED ABOVE

VIOLATOR COPY

ISSUING AGENCY
Sumter County Sheriff's Office
1010 N. Main St.
Bushnell, FL 33513

VIOLATOR INSTRUCTIONS

You are required within (10) days to comply with one of the below listed options.

1) Pay a civil penalty (either by mail or in person) as indicated;
Fines are payable (either by mail or in person) at the **SUMTER COUNTY SHERIFF'S OFFICE, 1010 N. MAIN ST. BUSHNELL, FL 33513** between the hours of 8:00 AM and 5:00 PM Monday through Friday. Payment must be made by check or money order, do not send cash. Make checks payable to **SUMTER COUNTY SHERIFF'S OFFICE.**

or
2) You may contest the citation by obtaining, completing, and returning (either by mail or in person) a Request for Parking Citation Hearing. The request form is available at the following locations:

1. The Sumter County Sheriff's Office website (www.sumtercountysheriff.org)
2. The Sheriff's Office Villages Annex (8033 E C-466 Lady Lake, FL)
3. The Sumter County Sheriff's Office (1010 N Main St. Bushnell, FL)

If you elect to contest the citation and choose to appear in county court you will be deemed to have waived the limitations on the civil penalty specified. The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of a violation has been proven, the court may impose a civil penalty not to exceed \$500.00.

Any person failing to pay the civil penalty or contest the citation in county court, either by mail or in person, within ten days of receiving the citation shall have a late payment charge of \$10.00 imposed and be deemed to have waived any right to contest the citation. Fines are payable (either by mail or in person) at the **SUMTER COUNTY SHERIFF'S OFFICE, 1010 N. MAIN ST., BUSHNELL, FL 33513** between the hours of 8:00 AM and 5:00 PM Monday through Friday.

Failure to pay the fine plus the late payment charge of \$10.00 within 24 days of the receipt of the citation shall result in the matter being transferred to the county court, an additional \$10.00 late charge and may result in the imposition of a fine by the court not to exceed \$500.00 and a hold being put on the further issuances of driver's licenses and registrations to the owner. Payment must now be made (either by mail or in person) at **SUMTER COUNTY JUDICIAL CENTER, CLERK OF COURTS, 215 EAST MCCOLLUM AVENUE BUSHNELL, FLORIDA 33513** between the hours of 8:00 AM and 5:00 PM Monday through Friday. Payment must be made by check or money order, do not send cash. Make checks payable to **CLERK OF COURT SUMTER COUNTY.**

Payments postmarked and mailed within the ten-day period shall be considered timely.