

ORDINANCE NO. 1699

AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA, AMENDING CHAPTER 50, ARTICLE II OF THE *CODE OF ORDINANCES OF THE CITY OF OVIEDO, FLORIDA*, RELATING TO SPEED LIMITS ON CITY STREETS; AMENDING CHAPTER 50, ARTICLE III OF THE *CODE OF ORDINANCES OF THE CITY OF OVIEDO, FLORIDA*, RELATING TO STOPPING, STANDING, AND PARKING OF VEHICLES IN PUBLIC PARKING LOTS AND ON-STREET PARKING SPACES; AND PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, SAVINGS, CODIFICATION, CONFLICTS, SEVERABILITY, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 50, Article II, Speed Limits, of the *Code of Ordinances of the City of Oviedo, Florida*, provides regulations for the establishment of speed limits on certain City Streets; and

WHEREAS, Chapter 50, Article III, Stopping, Standing, Parking of the *Code of Ordinances of the City of Oviedo, Florida* provides regulations and penalty provisions relating to stopping, standing, and parking of vehicles within the corporate limits of the City of Oviedo; and

WHEREAS, the City of Oviedo City Council recognizes that the parking of certain vehicles in public parking lots and on-street parking spaces may cause unsafe conditions; and

WHEREAS, the City of Oviedo City Council deems it necessary to regulate the parking of certain vehicles in public parking lots and on-street parking spaces; and

WHEREAS, the City of Oviedo City Council recognizes that there may be certain bonafide reasons necessitating the temporary parking of certain vehicles in public parking lots and on-street parking spaces.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA THAT CHAPTER 50, ARTICLES II AND III OF THE *CODE OF ORDINANCES OF THE CITY OF OVIEDO, FLORIDA* ARE HEREBY AMENDED AS FOLLOWS:

SECTION 1. Amendment to Article II, Section 50-21. Section 50-21 of the *Code of Ordinances of the City of Oviedo, Florida*, is amended to read as follows: (Additions are shown in underline. Deletions are shown in strike-through.)

Sec. 50-21. – Residential and business districts.

~~Unless otherwise changed by chief of police as provided;~~ The City has determined that, as allowed in F.S. 316.189, the maximum speed on city streets within all residential and business districts of the city shall be 25 miles per hour unless changed or suspended by the Chief of Police.

SECTION 2. Amendment to Article III, Section 50-47. Section 50-47 of the *Code of Ordinances of the City of Oviedo, Florida*, is amended to read as follows: (Additions are shown in underline. Deletions are shown in strike-through.)

Sec. 50-47. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat trailer means a portable vehicular structure designed to be pulled by an automobile or truck and built to carry a boat.

Camping trailer means a portable vehicular structure mounted on wheels and designed to be pulled by an automobile or truck and to be used for recreational camping purposes.

Large Vehicle means a boat trailer (or any portion thereof), boom truck, dump truck, camping trailer, recreational vehicle, semitrailer, motorbus, temporarily living quarters (whether motorized or non-motorized), truck camper, travel trailer, single-unit truck or any other vehicle(s) exceeding a width of eight feet or a length of twenty feet.

Motor vehicle means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated over the public highways, used to transport persons or property and propelled by power other than muscular power. The term "motor vehicle" does not include traction engines, bicycles, mopeds or road rollers, such vehicles as run only upon a track.

On-street parking space means an area within a public right-of-way in which the parking of a vehicle is allowed.

Public parking lot means any lot, parcel, structure, or area owned, leased, or operated by the City as an off-street parking facility whether for free or for a fixed fee or defined rate structure.

Recreational vehicle means a camping trailer, truck camper, motor home, house trailer or other such vehicle designed or modified to provide temporary living quarters.

Residential streets means those streets whose primary function is to provide access to immediately adjacent land used for single-family or multifamily residential purposes.

Semitrailer means any wheeled vehicle without motive power, designed for use with a truck tractor, used to carry and transport cargo or property over the public highways.

Single-unit truck means a truck typically measuring greater than 9½ feet in height, eight feet in width or 25 feet in length.

Temporary living quarters means any vehicle used on a temporary basis for the purpose of eating, sleeping, bathing, resting, entertaining or other such activities normally associated with residential property or recreational vehicles.

Trailer means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that some part of its weight or that of its load rests upon or is carried by another vehicle.

Travel trailer means a portable vehicular structure built on a chassis designed to be pulled by an automobile or truck and to be used as a dwelling for recreation, travel, or living purposes.

Truck camper means a portable structure placed onto the bed or chassis of a truck to provide temporary living quarters for recreation, camping or travel use.

Truck class vehicles means a vehicle classification which includes single-unit trucks, truck tractor and/or semitrailer combinations.

Truck tractor means a motor vehicle designed or used primarily for drawing other vehicles, constructed to draw a semitrailer vehicle and its cargo over the highways.

Truck trailer. See *Semitrailer*.

Wrecker means a motor vehicle that is used to tow, carry, or otherwise transport motor vehicles and that is equipped for that purpose with a boom, winch, car carrier, or other similar equipment.

SECTION 3. Amendment to Article III, Section 50-49. Section 50-49 of the *Code of Ordinances of the City of Oviedo, Florida*, is amended to read as follows: (Additions are shown in underline. Deletions are shown in strike-through.)

Sec. 50-49. - Vehicles on public right-of-way.

(a) *Paved or main-traveled portion of road.* No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of any highway or road within the municipal limits of the city 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 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. The following provisions are applicable to this subsection:

(1) *Exception.* This subsection shall not apply to the driver or owner of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such a 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 and discharging passengers, where highway conditions render such parking off the paved portion of the highway hazardous or impractical.

(2) *Violation; authority of chief of police to remove vehicle.*

a. The chief of police or the designee of the chief of police is authorized to move any vehicle standing upon a highway in violation of the provisions of subsection (a) of this section, or require the driver or other person in charge of the vehicle to move the vehicle to a position off the paved or main-traveled part of the highway or road.

b. The chief of police or the designee of the chief of police is authorized to provide for the removal of any abandoned vehicle to the nearest garage or other place of safety, the cost of such removal to be a lien against the vehicle when the abandoned motor vehicle is found unattended upon a bridge or causeway or in any tunnel, or on any public highway in the city in the following instances:

1. Where such a vehicle constitutes an obstruction of traffic.

2. Where such a vehicle has been parked or stored on the public right-of-way for a period exceeding 48 hours, in other than designated parking areas, and is within 30 feet of the pavement edge.

~~3c. Where The Chief of Police or the designee of the Chief of Police is authorized to provide for the removal of an operative vehicle to the nearest garage or other place of safety, the cost of such removal to be a lien against the vehicle, that has been parked or stored on the public right-of-way for a period exceeding ten days in other than designated parking areas, and is more than 30 feet from the pavement edge.~~

~~ed.~~ The chief of police or the designee of the chief of police removing such vehicles shall be required to report them to the state department of highway safety, division of motor vehicles within 24 hours of such removal.

(b) *Large vehicles in right-of-way adjacent to residential property; exception; removal.* No person shall stop, park, or leave standing any large vehicle ~~portion of any boat trailer, boom truck, dumptruck, camping trailer, recreational vehicle, semitrailer, temporary living quarters, trailer, travel trailer, truck camper, truck tractor, truck trailer, wrecker, or single unit truck~~ in a public road right-of-way directly adjacent to any property zoned R-1AAA, R-1AA, R-1A, R-1, R-1B, R-1BB, R-2, R-3, MH-1, PUD-R-3, and residential use areas of R-P, MUD, PUD, and C-PUD, as established by the zoning ordinance of the city. The following are exempted from the provisions of this subsection:

- (1) Vehicles that are actively being used in support of street construction, maintenance and repair.
- (2) Truck equipment, trailers, and vehicles used by the public service utility companies actively engaged in repairing or extending public service utilities.
- (3) Motorbuses, when taking on or discharging passengers at designated bus stops.
- (4) Vehicles parked at a designated loading/unloading zone.
- (5) Vehicles parked in a designated parking zone for large vehicles.
- (6) Any vehicle which develops a mechanical defect after such vehicle has commenced to operate ~~en~~in route, making it unsafe to proceed further. In such event it shall be lawful to stand or park the vehicle during the time necessary to make emergency repairs, provided that said time does not exceed 24 hours.
- (7) Any vehicle being utilized at an active permitted construction site.
- (8) The parking or standing of vehicles for the purpose of expeditiously loading and unloading passengers, freight, or merchandise, or performing services.
- (9) Emergency vehicles that are being actively used in the course of normal duty.
- (10) Vehicles that are actively being used in support of a City sponsored or permitted special event or recreation program.
- (11) Vehicles that are actively being used in support of City operations.

The Chief of Police or the designee of the Chief of Police is authorized to provide for the removal of any large vehicle parked in a public road right-of-way directly adjacent to any property zoned R-1AAA, R-1AA, R-1A, R-1, R-1B, R-1BB, R-2, R-3, MH-1, PUD-R-3, and residential use areas of R-P, MUD, PUD, and C-PUD, as established by the zoning ordinance of the city in violation of this subsection to the nearest garage or other place of safety, the cost of such removal to be a lien against the vehicle.

- (c) *Prohibited purposes for parking any vehicle in the right-of-way.* No person shall park any vehicle within the rights-of-way within the municipal limits of the city for the purpose of:
- (1) Displaying such vehicle for sale or rent;
 - (2) Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency; and
 - (3) Displaying for sale or rent or selling or renting any merchandise.

SECTION 4. New Article III, Section 50-50. A new Section 50-50 shall be added to the *Code of Ordinances of the City of Oviedo, Florida*, to read as follows: (Additions are shown in underline. Deletions are shown in strike-through.)

Sec. 50-50. – Vehicles in public parking lots or on-street parking spaces.

(a) Parking regulations in public parking lots - automobiles, motorcycles and non-commercial trucks. The following regulations shall apply to all automobiles, motorcycles, and non-commercial trucks parked in public parking lots:

- (1) Parking shall be in designated spaces only;
- (2) No parking in spaces designated for loading and unloading;
- (3) No parking in spaces that the City designates as “Reserved”;
- (4) No parking in entrances, exits, and/or walkways.

(b) Large vehicles in public parking lots or on-street parking spaces; exception; removal. No person shall stop, park, or leave standing any large vehicle in a public parking lot or on-street parking space. The following are exempted from the provisions of this subsection:

- (1) Vehicles that are actively being used in support of street construction, maintenance and repair.
- (2) Truck equipment, trailers, and vehicles used by the public service utility companies actively engaged in repairing or extending public service utilities.
- (3) Motorbuses, when taking on or discharging passengers at designated bus stops.
- (4) Vehicles parked at a designated loading/unloading zone.
- (5) Vehicles parked in a designated parking zone for large vehicles.
- (6) Any vehicle which develops a mechanical defect after such vehicle has commenced to operate in route, making it unsafe to proceed further. In such event it shall be lawful to

stand or park the vehicle during the time necessary to make emergency repairs, provided that said time does not exceed 24 hours.

(7) Any vehicle being utilized at an active permitted construction site.

(8) The parking or standing of vehicles for the purpose of expeditiously loading and unloading passengers, freight, or merchandise, or performing services.

(9) Emergency vehicles that are being actively used in the course of normal duty.

(10) Vehicles that are actively being used in support of a City sponsored or permitted special event or recreation program.

(11) Vehicles authorized by the Police Chief during a declared state of emergency or natural disaster for transporting and distributing resources locally or to assist other areas.

(12) Vehicles authorized by the Police Chief that serve a public purpose and provide a public benefit to the community.

(13) Vehicles that are actively being used in support of City operations.

(c) Prohibited purposes for parking any vehicle in a public parking lot or on-street parking space. No person shall park any vehicle in a public parking lot or on-street parking space within the municipal limits of the city for the purpose of:

(1) Displaying such vehicle for sale or rent;

(2) Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency; and

(3) Displaying for sale or rent or selling or renting any merchandise.

(d) The Chief of Police or the designee of the Chief of Police is authorized to provide for the removal of any automobile, motorcycle, non-commercial truck or large vehicle parked in a public parking lot or on-street parking space in violation of this subsection or that impedes the City's ability perform maintenance or other City operations, or use for a City sponsored or permitted special event or recreation program to the nearest garage or other place of safety, the cost of such removal to be a lien against the vehicle.

SECTION 5. Amendment to Article III, Section 50-50, Renumbering to Section 50-51. Section 50-50 of the *Code of Ordinances of the City of Oviedo, Florida*, is amended to read as follows: (Additions are shown in underline. Deletions are shown in strike-through.)

Sec. 50-~~50~~51. - Impoundment of illegally parked vehicles.

Members of the police department shall be vested with the authority, and it shall be their duty, to impound any unoccupied vehicle parked in violation of any of the parking regulations of the city, including but not limited to, where such vehicle impedes traffic, creates a traffic hazard or appears to be abandoned, and to release such vehicle to the duly identified owner thereof, subject, however, to the payment of the fine, if any, and the storage, towing and other impounding charges. The police department shall exercise due diligence to identify and notify the owner.

SECTION 6. Amendment to Article III, Section 50-51, Renumbering to Section 50-52. Section 50-51 of the *Code of Ordinances of the City of Oviedo, Florida*, is amended to read as follows: (Additions are shown in underline. Deletions are shown in strike-through.)

Sec. 50-~~51~~52. - Citation for parking violations.

A citation for use by city police officers to be issued to persons who violate the city parking ordinance as is hereby adopted. ~~The format of the citation shall be in substantial compliance with the form which is on file in the city clerk's office.~~

SECTION 7. Amendment to Article III, Section 50-52, Renumbering to Section 50-53. Section 50-52 of the *Code of Ordinances of the City of Oviedo, Florida*, is amended to read as follows: (Additions are shown in underline. Deletions are shown in strike-through.)

Sec. 50-~~52~~53. - Civil penalties.

The penalties required for a noncriminal disposition pursuant to F.S. § 318.14(1), (2), and (4), and the ordinances of the city shall be as follows:

- (~~1~~a) For all infractions of bicycle regulations under F.S. § 316.2065 and infractions of pedestrian regulations under F.S. § 316.130, and the ordinances of the city: ~~\$15~~30.00.
- (~~2~~b) For all nonmoving traffic violations and for all violations of F.S. § 320.07(3), and the ordinances of the city: \$30.00.
- (~~3~~c) For illegally parking in a space provided for people who have disabilities, and for all violations of F.S. § 316.1955: \$250.00.
- (~~4~~d) All moving violations and mandatory appearances will be enforced in accordance with state statutes.

SECTION 8. Renumbering of Article III, Sections 50-53 through 50-81. Sections 50-53 through 50-81 of the *Code of Ordinances of the City of Oviedo, Florida*, are renumbered as follows: (Additions are shown in underline. Deletions are shown in strike-through.)

Secs. 50-~~53~~54—50-81. Reserved.

SECTION 9. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 10. Savings. The prior actions and activities of the City of Oviedo relating to the stopping, standing, and parking of certain vehicles are hereby ratified and affirmed.

SECTION 11. Codification. Sections 1, 2, 3, 4, 5, 6, and 7 of this Ordinance shall be codified into, and made part of, the *Code of Ordinances of the City of Oviedo, Florida*. Sections 8, 9, 10, 11, 12, and 13 shall not be codified. The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.

SECTION 12. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

SECTION 13. Severability. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 14. Effective Date. This Ordinance shall become effective immediately upon enactment.

FIRST READING: December 7, 2020

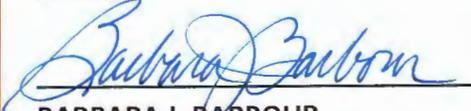
SECOND READING: January 4, 2021

PASSED AND ADOPTED this 4th day of January, 2021.



MEGAN SLADEK
MAYOR of the City of Oviedo, Florida

ATTEST:



BARBARA J. BARBOUR
CITY CLERK

