AN ORDINANCE RELATING TO UNIFORM TRAFFIC CONTROL
ENACTING COUNTY PARKING REGULATIONS; PROVIDING FOR
TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR
PROHIBITED STOPPING, STANDING, AND/OR PARKING IN
SPECIFIED PLACES; PROVIDING FOR PARALLEL AND ANGLE
PARKING REGULATIONS; PROVIDING FOR PARKING FOR
CERTAIN PURPOSES PROHIBITED; PROVIDING FOR
DISABLED PERSONS PARKING; PROVIDING FOR POSTING OF
NO PARKING SIGNS IN CERTAIN DESIGNATED AREAS;
PROVIDING FOR VIOLATIONS, ENFORCEMENT, PENALTIES;
PROVIDING EXERCISE OF POLICE POWER; ESTABLISHING
CRITERIA IN ISSUANCE OF SUMMONS; PROVIDING FOR
APPLICATION; PROVIDING NONLIABILITY OF COUNTY;
PROVIDING FOR INCLUSION IN THE CODE; REPEALING LEE
COUNTY ORDINANCES 81-36, 86-03 AND 90-20;
ESTABLISHING ADMINISTRATIVE PROCEDURE; PROVIDING
FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the narrowness of and the volume of traffic on the
streets in the unincorporated areas of Lee County has the effect of
congesting the streets and impeding the movement of traffic; and,

WHEREAS, it is the habit of numerous operators of motor vehicles
to take advantage of this situation by parking for unreasonably long
periods of time in close proximity to other motor vehicles so parked
on county road right-of-ways, public beaches, and/or parks, or in
properly marked handicap spaces without exclusive permit to do so;
and,

WHEREAS, House Bill 1547, Section 67, Section 3B, (1980),
requires a law enforcement official to wait at the unattended vehicle
to issue such citation, causing undue hardship in that the
time could be better spent serving the law enforcement needs of the
citizens of Lee County; and,
WHEREAS, such practice tends to further impede traffic and, in addition thereto constitutes a danger to the life, limb, and property of other motorists, pedestrians, and others; and,

WHEREAS, previous attempts to regulate parking in the aforesaid areas have not been as successful as desirable for the reason that adequate policing of this problem by law enforcement officials requires a larger number of officers for such work than can be spared from other vital functions of law enforcement; and,

WHEREAS, it is the opinion of the Board of County Commissioners of Lee County, Florida, and pursuant to the powers vested in them under 316.008, Florida Statutes, that the best method by which the above-mentioned conditions may be remedied is by controlling parking through the posting of official signs in certain designated areas prohibiting stopping, standing, and parking on county right-of-way, public beaches, and/or parks, unless otherwise specified by signs posted allowing for such parking in said designated areas, and by designating specially marked handicap parking spaces exclusive to those severely physically disabled persons who have permanent mobility problems that substantially impair their ability to ambulate and who have been issued either an exemption parking permit pursuant to §316.1958 or §320.0848, or a license plate pursuant to §320.084, §320.0842, §320.0843 or §320.0845,

WHEREAS, the Board of County Commissioners find it desirable to provide regulations for correct angle and parallel parking on the roadways,
Section One: Title

This Ordinance shall be known as, referred to, and cited as the "Lee County Parking Ordinance."

Section Two: Definitions

The following terms shall have the following meaning when used in this Ordinance:

A. "County" is Lee County, a political subdivision of the State of Florida.

B. "Commission" is the Board of County Commissioners of Lee County, Florida.

C. "Vehicle" shall mean any device in, upon, or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.

D. "Street" or "roadway" (used interchangeably) shall mean any public right-of-way, any public beach, or any public park located in the unincorporated area of Lee County, Florida, and established for the use of the public for purposes of vehicular traffic.

E. "Person" shall mean any individual, firm, copartnership, association, or corporation, and shall include the owner and/or operator of the vehicle.

F. "Owner" shall mean the individual to whom such vehicle is registered with the State Department of Highway Safety and Motor Vehicles.

G. "Operator" shall mean and include every individual who shall...
operate a vehicle as the owner thereof, or as the agent, employee, or permittee of the owner, or is in actual physical control of the vehicle.

H. "Department" shall mean the Lee County Department of Transportation and Engineering (DOT & E).

I. "Park" or "parking" or "stopping" or "standing" shall mean the standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs or signals, or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.

J. "Summons" shall mean the ticket form used by Lee County, a political subdivision of the State of Florida.

K. "Officer" is the law enforcement officer or parking enforcement specialist of the Lee County Sheriff's Department designated by the County as the inspecting authority to enforce parking regulations and issue summons.

L. "Fire lane" shall mean the twelve foot (12') wide strip of pavement immediately adjacent to the building of a business center together with a twelve foot (12') wide strip of pavement providing ingress and egress from public roads to the buildings of a business center, which is appropriately marked as a "fire lane".

M. "Safety Zone" shall mean the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected
or so marked by adequate signs or authorized pavement markings as to be plainly visible at all times while set apart as a safety zone.

N. "MUTCD" shall mean the Manual on Uniform Traffic Control Devices for Streets and Highways.

SECTION THREE: STOPPING, STANDING, PARKING PROHIBITED IN SPECIFIED PLACES

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person or operator shall:

A. Stop, stand, or park a vehicle on any street as follows:

1. On the roadway side of any vehicle stopped or parking at the edge or curb of a street;
2. On a sidewalk;
3. Within an intersection;
4. On a crosswalk;
5. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the end of a safety zone, unless the Traffic Division of the Department indicates a different length by posting official signs or installing pavement markings;
6. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would reduce the number of lanes of moving traffic to less than two lanes (one ten foot (10') wide
lane of moving traffic in each direction) on streets with two-way traffic flow, or to less than one ten foot (10') wide lane of moving traffic on a street with one-way traffic flow;

7. Upon any bridge or other elevated structure on a highway or within a highway tunnel;

8. On any railroad track(s);

9. At any place where official signs prohibit stopping.

10. In any area designated as a fire lane, except for the purpose of loading or unloading handicapped passengers and then only while actually engaged in the process of loading or unloading such passengers.

B. No person or operator of a vehicle shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers, on any street as follows:

1. In front or within five feet of the end of the driveway radius or edge of a public or private driveway so as to prevent proper ingress or egress;

2. Within fifteen (15) feet of a fire hydrant;

3. Within twenty (20) feet of a crosswalk at an intersection;

4. Within thirty (30) feet upon the approach to any flashing signal, yield sign, stop sign or traffic signal.
control signal located beside or over the intersection of two (2) or more roadway(s);

5. 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 said entrance when official signs prohibiting such parking, standing or stopping are installed;

6. At any place where official signs prohibit standing;

7. In any lane designated as a fire lane.

C. No person or operator shall park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers on any street as follows:

1. Within fifty (50) feet of the nearest rail of a railroad crossing unless the Department establishes a different distance due to unusual circumstances;

2. At any place where official signs prohibit parking.

D. No person shall move a vehicle not lawfully under his control such prohibited area or away from a curb such a distance as is unlawful. Any person who is in violation of this subsection shall be punished as provided for in Section Seven of this Ordinance.
SECTION FOUR: PARALLEL AND ANGLE PARKING REGULATIONS

A. Parallel Parking:

1. Except as otherwise provided in this section, 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 inches (12") of the right-hand curb or edge of the roadway;

2. 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 inches (12") of the right-hand curb or edge of the roadway, or its left wheels within twelve inches (12") of the left-hand curb or edge of the roadway.

B. Angle Parking:

Angle parking may be permitted on streets and/or roadways within unincorporated Lee County provided that a proper and documented traffic engineering study is performed, either by the Department of Transportation and Engineering or by a private consultant, and approved by the Department of Transportation and Engineering pursuant to the applicable Administrative Code.

SECTION FIVE: PARKING FOR CERTAIN PURPOSES PROHIBITED

A. It is unlawful for any person to park a motor vehicle, as defined in §320.01, for a continuous period in excess of twenty-four (24) hours, after written notice, upon a public street or highway, upon a public parking lot, or other public property, or upon private
property where the public has the right to travel by motor vehicle, for the principal purpose and intent of displaying the motor vehicle thereon for sale, hire, or rental unless the sale, hire or rental of the motor vehicle is specifically authorized on such property by a Lee County regulation and the person is duly licensed as a motor vehicle dealer in accordance with Florida Statute §320.27, and the person is in compliance with all county licensing regulations.

B. The provisions of subsection A do not prohibit a person from parking his own motor vehicle or his other personal property on any private property which he owns or leases, or any private property for which he obtains the permission of the owner, for the principal purpose and intent of sale, hire or rental.

C. A law enforcement officer may cause to be removed at the owner's expense any motor vehicle found upon a public street, public parking lot, other public property, or private property, where the public has the right to travel by motor vehicle, which is in violation of subsection A. Every written notice issued pursuant to this section shall be affixed in a conspicuous place upon a vehicle by a law enforcement officer.

D. Any other provision of law to the contrary notwithstanding, a violation of subsection A shall subject the owner of the motor vehicle to owing the applicable agency the fees reasonably incurred by removal and storage of the motor vehicle.

SECTION SIX: DISABLED PERSONS PARKING

A. GOVERNMENTAL AGENCIES

It shall be a violation of this Ordinance for any person to park
in properly marked handicap parking spaces provided for by governmental agencies.

1. The County having jurisdiction over street parking and/or publicly-owned and operated facilities, shall provide a minimum of specially designed and marked motor vehicle parking spaces in accordance with Florida Statutes §316.1955, for the exclusive use of those severely, physically disabled individual with permanent mobility problems which substantially impair their ability to ambulate and who have been issued an exemption parking permit pursuant to the provisions of Florida Statutes §316.1958 or §320.0848, or a license plate pursuant to Florida Statutes §320.084, 320.0892, 320.0893 or 320.0845.

2. Each such parking space shall be prominently outlined with pavement markings and posted with a permanent sign of a color and design approved by the Director, Department of Transportation and Engineering, or the designee, bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY".

3. It is unlawful for any person to stop, stand, or park a vehicle within any such specially designated and marked parking space provided in accordance with this section, unless such vehicle
displays a parking permit issued pursuant to Florida Statutes §316.1958 or §320.0848, and such vehicle is transporting a person eligible for the parking permit. Whenever a law enforcement officer or a parking enforcement specialist finds a vehicle in violation of this subsection, that officer shall:

(a) Have the vehicle in violation removed to any lawful parking space or facility, or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever a vehicle is removed by a law enforcement officer, or parking enforcement specialist to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle.

(b) Charge the owner or operator in charge of the vehicle in violation with a noncriminal traffic infraction. Any person who is in violation of this subsection shall be punished as provided for in Section Seven of this Ordinance.
B. NON-GOVERNMENTAL AGENCIES

It shall be a violation for any person to park in properly marked handicap spaces as provided for by non-governmental entities for certain disabled persons.

1. Any commercial real estate property owner offering parking for the general public shall provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who were issued parking permits pursuant to Florida Statutes §§316.1958 or §320.0848 or a license plate pursuant to Florida statutes §§320.084, 320.0842, 320.0843, or 320.0845. The minimum number of such parking spaces shall be as provided in Florida Statutes §316.1955(2)(c).

2. Each such parking space shall conform to the requirements of Florida Statutes §316.1956, and shall be posted and maintained with a permanent sign bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY".

3. Any person who parks a vehicle in any parking space designated with the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY" is guilty of a traffic infraction, unless such vehicle displays a parking...
permit issued pursuant to Florida Statute §320.0848, and such vehicle is transporting a person eligible for such parking permit. However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit, momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking. Any person who is in violation of this subsection shall be punished as provided for in Section Seven (7) of this Ordinance.

SECTION SEVEN: POSTING OF NO PARKING SIGNS

It shall be the responsibility of the Department to post official no parking signs conforming with the Manual of Uniform Traffic Control Devices (MUTCD), on streets in certain designated areas prohibiting stopping, standing, and/or parking in the unincorporated areas of Lee County.

SECTION EIGHT: VIOLATION, ENFORCEMENT, PENALTIES

It shall be unlawful for any person to violate the provisions of this Ordinance. It shall be the duty of any law enforcement official or parking enforcement specialist having jurisdiction in Lee County to enforce the provisions of this Ordinance. Any officer or parking enforcement specialist who discovers a vehicle parked in violation of this Ordinance may:

A. Issue a summons used by the County for such violation to the driver; or
B. If the vehicle is unattended, attach such summons to the vehicle in a conspicuous place; or

c. In cases of violators illegally parked in parking spaces provided for by governmental agencies, said vehicles may be removed by a law enforcement officer having jurisdiction in Lee County to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle, and said law enforcement official shall charge the owner and/or operator in charge of the vehicle in violation with a noncriminal traffic infraction.

D. Any person who violates Section Five, Disabled Persons Parking, shall be punished by a fine of Two Hundred Dollars ($200.00). The fines collected for a violation to the Disabled Persons Parking section shall be deposited in a separate Lee County account to be used in accordance with Florida Statute §316.008(4), as amended.

E. Any person who violates the provisions of this Ordinance except Section Five(5), shall be punished by a fine of Thirty two Dollars ($32.00). Any person who fails to satisfy the provisions contained in the Lee County summons for violations of parking contained in this Ordinance and elects to appear before a designated official to present evidence shall be deemed to have waived his right to the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a fine not to exceed One Hundred Dollars ($100.00) plus court costs.
F: No person shall, without authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or sign. Any violation of this provision shall constitute a misdemeanor. In addition, a violation of this provision may be enforced through the county code enforcement process.

SECTION NINE: EXERCISE OF POLICE POWER

This entire Ordinance shall be deemed and construed to be an exercise of the police power of the County of Lee for the preservation and protection of public safety and all of its provisions shall be liberally construed with a view to the effectuation of such purpose.

SECTION TEN: CRITERIA IN ISSUANCE OF SUMMONS

Any officer enforcing the provisions of this Ordinance may issue a summons to any person or operator of a vehicle for such non-moving offense in violation of the provisions of this Ordinance and shall consist substantially of the following information:
LEE COUNTY SUMMONS
For Parking Violation - Ord. NO.______

Office's Copy _______ Ticket # ________

Day of Week Month Day Year Time

Name ________________________________

Street ______________________________

City __________________ State _______

Vehicle Make _______________ Year ______

Tag # __________________________ State __________

Date of Birth Month Day Year Race Sex Height

Offense(s) ________________________________

_____________________________________________________________________

Name of Officer __________________________

Instruction: You must pay a civil penalty (or forfeit bond) in the amount of $32.00, or appear in Traffic Court at the Lee County Courthouse at _______ on the _______ day of _______ 19_____. If you elect to pay the penalty, it must be paid before the court date.

To: ________________________________

_____________________________________________________________________

Mailing Address ________________________________

Note: You must enclose your copy of the Summons if you mail payment. Payment should be in the form of a money order or cashier's check. PERSONAL CHECKS WILL NOT BE ACCEPTED. Failure to respond to this Summons will result in further court action.
SECTION ELEVEN: APPLICATION

It is hereby provided this Ordinance shall constitute a uniform law applicable in all the unincorporated areas of Lee County, Florida to the extent permitted by the Florida Constitution, Article VIII, Section 1.

Gasparilla Island Parking Ordinance, Lee County Ordinance Number 86-21, as amended or replaced, and Captiva Island Parking Ordinance, Lee County Ordinance Number 83-35, as amended or replaced, shall remain in full force and effect, and shall apply within their respective jurisdictions.

SECTION TWELVE: NONLIABILITY OF COUNTY

Nothing in this Ordinance shall be deemed to impose any liability upon the County or upon any of its officers or employees, nor to relieve the owner and/or operator of said motor vehicle of any private duty from the duty to keep said motor vehicle legally parked.

SECTION THIRTEEN: INCLUSION IN THE CODE

It is the intention of the Commission, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Lee County, Florida; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and that the "Ordinance" may be changed to "Section", "Article", or other appropriate designation.

SECTION FOURTEEN: REPEAL OF CONFLICTING ORDINANCES

Lee County Ordinances Numbers 81-36, 86-03 and 90-20 are hereby repealed and declared null and void and of no effect.
SECTION FIFTEEN: ADMINISTRATIVE PROCEDURE

Procedure for issuance of summons and disposition of fines collected for violations may be established by Resolution of the Board of County Commissioners of Lee County, Florida.

SECTION SIXTEEN: SEVERABILITY

The provisions of this ordinance are severable and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provisions not been included therein.

SECTION SEVENTEEN: CONFLICT WITH OTHER LAWS

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply. This Ordinance shall be operative to the extent that it is not in conflict with the Gasparilla Island Parking Ordinance, LCO 86-21, as amended or replaced and the Captiva Island Parking Ordinance, LCO 83-35, as amended or replaced.

SECTION EIGHTEEN: EFFECTIVE DATE

This Ordinance shall take effect immediately upon receipt by the Board of County Commissioners of Lee County, Florida, of the official acknowledgment from the Secretary of State of Florida that it has been filed with that office.
This Ordinance is adopted by the Lee County Board of County
Commissioners upon a motion by Commissioner Ray Judah and seconded by
Commissioner John Manning and, upon a poll of the members present,
the vote as as follows:

DONALD SLISHER  aye
DOUGLAS R. ST. CERNY  aye
JOHN MANNING  aye
VICKIE LOPEZ-WOLFE  aye
RAY JUDAH  aye

DONE AND ADOPTED this 16th day of October, 1991.

ATTEST:
CHARLIE GREEN  CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: VICKIE LOPEZ-WOLFE
   Vice Chairman

Approved As To Form

By: Office of the County
Attorney

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