

## TRAFFIC AND VEHICLES

### Chapter 74

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\***Cross references**—Ordinances prescribing traffic regulations for specific streets, such as ordinances establishing speed limits or designated one-way streets, no-parking areas, truck routes, stop intersections, intersections where traffic to be controlled by signals, etc., saved from repeal, § 1-7(a)(13); use of motor vehicles in Winter Garden cemetery, § 26-36; emergency services, ch. 34; placing or throwing handbills in vehicles, § 38-122; offenses and miscellaneous provisions, ch. 50; streets and sidewalks, ch. 62; vehicles for hire, ch. 82; supplementary district regulations for motor vehicles, § 118-1126 et seq.

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## ARTICLE I. IN GENERAL

### Sec. 74-1. Penalties.

(a) Any person violating any section of this chapter, except where a penalty is specifically prescribed for the particular violation, shall be subject to a fine of not more than \$500.00.

(b) In addition to any fine levied under this chapter, the city may bring civil suit to restrain, enjoin or otherwise prevent the violation of this chapter in a court of competent jurisdiction. If the city brings suit to restrain or enjoin or to otherwise prevent the violation of this chapter, the city is entitled to recover reasonable attorney's fees and court costs from the named defendant in the action.

(Code 1988, § 21-28)

### Sec. 74-2. Bicycle and other wheeled toy operation.

(a) No person while upon a bicycle, skateboard, roller skates, or riding in or by means of any coaster, toy vehicle or similar device shall conduct himself in such a manner as to be a nuisance, safety hazard or endangerment to himself, pedestrians, other forms of traffic, the operation of businesses or to the quiet enjoyment of the residents of the city.

(b) No person shall ride, use or operate any bicycle, skateboard, roller skates, coaster, toy vehicle or similar device upon a sidewalk in the commercial areas of the city. The commercial areas are defined as Plant Street, east from Highland Avenue to Dillard Street, and South Dillard Street to Highway 50, or any other areas of the city, such as shopping centers, of any size, where the predominance of buildings or structures in the area are commercial or business in nature.

(c) Violation of subsection (a) or (b) of this section shall be punishable by a fine of \$5.00.

(Code 1988, § 21-26)

### Sec. 74-3. Authority of chief of police.

(a) The chief of police, with such aid as may be rendered by other members of the police department, except as otherwise directed by this chapter

and except as otherwise directed from time to time by the city commission, shall have the power and is authorized to make and enforce all ordinances and statutes governing traffic and the use of the streets of the city by vehicles and pedestrians. The chief of police is given full power to designate and regulate through or arterial, stop, one-way and play streets; truck routes; directions of traffic; maximum and minimum speeds; parking; to establish school zones, hospital zones, loading and unloading zones, quiet zones, and pedestrian crossing zones; and to enforce this chapter and the state vehicle laws applicable to vehicle and pedestrian traffic, and the parking of vehicles in the city, insofar as such shall not conflict with the laws of the state, and to install such street signs, traffic control devices and indicators and markings as shall be necessary or advisable for the operation and enforcement of such rules and regulations.

(b) The existence of signs, signals and markings, duly installed by the chief of police or under his authority, shall be sufficient proof of the existence of the regulations.

(Code 1988, § 21-1)

### Sec. 74-4. Golf carts.

(a) *Definition of golf cart.* Pursuant to F.S. § 320.01(22), and for the purposes of this section, a "golf cart" is defined as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

(b) *Golf carts generally prohibited from operation on public streets.* Unless otherwise expressly authorized pursuant to this section or state law, golf carts shall not be operated upon public roadways located within the city.

(c) *Authorization to operate golf carts within and between golf cart communities and on specified roadways by resolution.* Golf carts meeting the definition set forth in subsection (a) may be operated on city roadways within the defined boundaries of residential communities when such communities are approved by resolution as "golf cart communities." To receive city approval, any such resolution must be accompanied by the req-

quisite legislative findings as required by statute and shall include a plan for the placement of the requisite signage within the golf cart community. Golf carts may also be operated between golf cart communities that are adjacent, if such provision is specifically included by the city commission in the approving resolution. Golf carts may also be operated on roadways outside golf cart communities, when such roadways have been approved by resolution for golf cart use. The city commission may reject a resolution or otherwise revoke a previously approved resolution if the commission determines that the operation of golf carts within any such community or roadway would constitute or has become a danger or detriment to the health, safety, welfare, or character of the community or the surrounding area or the city commission otherwise determines that it cannot or will not be able to determine that such community or roadway continues to meet statutory requirements.

(d) *Application for golf cart community authorization.* A golf cart community resolution as described in subsection (c) may be proposed pursuant to one of the following methods:

- (1) Community associations. A community governed by a community association such as a homeowners' or condominium association must have the governing body of such association adopt and submit a request in writing to the city that its community be considered for approval as a golf cart community. Such request shall contain an affirmative statement from the community association that golf carts may safely be operated upon the streets of such community given the speed, volume, and character of motor vehicle traffic using the road or street and any additional information and/or evidence supporting such statement.
- (2) Other communities. The city commission may also, upon its own initiative or upon citizen petition, direct city staff to create a map or other diagram delineating the boundaries of a golf cart community or roads upon which golf carts may be operated and a resolution authorizing such

roadways or communities for golf cart use to be presented to the city commission for approval.

(e) *Equipment and minimum standards.* All golf carts operated within golf cart communities or approved roadways shall meet the minimum equipment standards established by Florida Statutes. Golf carts that are operated between the hours of sunset and sunrise, if permitted by the approving resolution, shall have additional equipment requirements, and at a minimum, must have headlights, brake lights, turn signals, a windshield, and reflective devices on the sides of the golf cart that could include reflective tape.

(f) *Hours of operation.* Golf carts meeting the minimum equipment standards established in subsection (e) above for operation between the hours between sunset and sunrise, shall only be operated between the hours of 5:00 a.m. and 10:00 p.m., if permitted by the approving resolution. Golf carts that do not meet the minimum equipment standards for operation between sunset and sunrise shall only be permitted to operate during the hours between sunrise and sunset.

(g) *Unlicensed drivers.* It shall be unlawful for an unlicensed driver, defined as a driver who does not hold and possess a valid state-issued driver's license, to operate a golf cart upon city streets unless such driver complies with the following requirements:

- (1) Must be 18 years of age or older; and
- (2) Must complete a city-approved safety course in the operation of golf carts on public roads. Proof of completion of such course shall be carried at all times by an unlicensed driver when such driver is operating a golf cart on city streets.

(h) *Compliance with traffic laws.* Golf carts shall comply with all applicable local and state traffic laws, and may be ticketed for traffic violations in the same manner as motor vehicles.

(i) *Regulations.* Regardless of whether a particular community is designated as a golf cart community or a roadway is approved for use by golf carts, golf carts shall be subject to the following restrictions at all times:

- (1) Unless otherwise expressly authorized pursuant to general law or the enabling res-

olution, no golf cart shall be operated upon a road with a posted speed limit in excess of 25 miles per hour.

- (2) A golf cart being operated upon a road with a posted speed limit of 25 miles per hour or less may, for the sole purpose of continuing travel along such road, be operated across an intersecting street with a posted speed limit in excess of 25 miles per hour but not to exceed 35 miles per hour, provided that such intersection is governed by a four-way stop sign or traffic signal.
- (3) No golf carts shall be operated upon those roads that the city has identified as arterial or collector roads unless otherwise authorized by the enabling resolution.
- (4) A golf cart shall not be operated upon a state highway unless otherwise authorized pursuant to F.S. § 316.212(2), or any other applicable state statute.

(j) *Enforcement.* The city shall have the authority to enforce the provisions set forth herein and applicable traffic laws, provided however, that the enforcement of rules and regulations created and established by community associations shall be the sole responsibility of each community. (Ord. No. 09-53, § 2, 9-21-09)

#### **Secs. 74-5—74-30. Reserved.**

## **ARTICLE II. STOPPING, STANDING, PARKING\***

### **DIVISION 1. GENERALLY**

#### **Sec. 74-31. Manner of parking.**

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic and with the curbside wheels of the vehicle within 12 inches of the edge of the roadway, except upon a

\***Cross reference**—Offstreet parking and loading, § 118-1386 et seq.

**State law reference**—Stopping, standing, parking, F.S. § 316.1945 et seq.

street which has been marked or a sign erected for angle parking, where a vehicle shall be parked at the angle to the curb indicated by such a mark or sign.

(Code 1988, § 21-2)

#### **Sec. 74-32. Unattended motor vehicles.**

No person driving or in charge of a motor vehicle shall permit it to stand unattended with the ignition key in the vehicle, whether or not the motor is in use.

(Code 1988, § 21-3(1))

#### **Sec. 74-33. Prohibited in specified places.**

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk or in such manner that any part of such vehicle is protruding over a sidewalk or any part of the sidewalk area.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within ten feet of a crosswalk at an intersection, unless permitted to do so by appropriate signs or devices posted in such area.
- (7) Within 30 feet of any flashing beacon, stop sign or other official traffic control device located at the side of a roadway, unless a different length is indicated by signs or markings.
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone unless a different length is indicated by signs or markings.
- (9) Within 30 feet of the nearest rail of a railroad crossing.



- (10) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite such station, if prohibited by a sign.
  - (11) On a roadway side of any vehicle stopping or parked at the edge or curb of a street or on the roadway end of any vehicle parked at an angle to curb or street edge, except commercial vehicles engaged in loading or unloading from 2:00 a.m. to 7:00 a.m. only.
  - (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
  - (13) At any place where an official sign prohibits stopping, standing or parking.
  - (14) Opposite a dead-end or jog street outside of the central business district.
  - (15) At any place in such a manner as to block access to commercial refuse containers by the city refuse removal equipment.
  - (16) Alongside any curb which has been painted yellow or red, unless otherwise specifically permitted by appropriate signs or devices posted by the city.
  - (17) In any parking space specifically designated and marked for the disabled unless such vehicle displays a parking permit as required by state law; or in such a manner as to block or obstruct a wheelchair ramp.
  - (18) In any parking space marked as being designated for the use of specific individuals or vehicles, other than disabled.
  - (19) In a designated bus stop or taxicab stand unless the vehicle is a bus or taxicab, respectively.
  - (20) Within any residentially zoned area of the city, if the vehicle has dual rear wheels, except when loading or unloading, or when parked within a completely enclosed garage, nor may any truck or vehicle of any size which has operating motorized cooling units be permitted to park in any residentially zoned area.
- a. As used in this subsection, motor vehicles having dual rear wheels includes motor trucks with a load capacity in excess of two tons, trailers, semitrailers, tractor-trailer combinations, and all other vehicles operated over the public street of the city and used as a means of transporting persons or property over the public streets of the city and propelled by power other than muscular power which have more than four weight-bearing wheels, but does not include recreation vehicles. Recreational vehicles includes vehicular type units primarily designed as temporary living quarters for recreational, camping or travel use which either have their own motive power or are mounted on or drawn by another motor vehicle, including travel trailers, camping trailers, truck campers and motor homes.
  - b. This subsection shall not apply to the parking or storing of recreational vehicles or motor vehicles with a load capacity of two tons or less or the parking or storing of motor vehicles having dual rear wheels when such parking or storing is otherwise permitted by any city ordinance or resolution.
- (21) In a metered parking space adjacent to a parking meter which has been covered by a bag placed thereon by the city indicating no public parking.
  - (22) In an area designated as a fire lane pursuant to this Code.
  - (23) On any property owned or controlled by the city not designated for parking, unless otherwise approved by the city commission, or authorized city departments.

(24) In painted safety zones on roadways within the city, except for emergency purposes. Any vehicles parked in such a roadway for more than two hours will be towed at the owner's expense pursuant to this article.

(25) On the shoulders or medians of all state roadways within the city limits, except for emergency purposes. Any vehicle parked on such a shoulder or median for more than 24 hours will be towed at the owner's expense pursuant to this article, except that any vehicle parked on such a shoulder or median may be towed immediately at the owner's expense if such vehicle in any way interferes with the safe passage of other vehicles on such roadways.

(26) Outside of the designated boundaries of any parking space, the limits of which are indicated by painted lines or other means, or at an angle that is not in conformance with the markings.

(Code 1988, § 21-4)

#### **Sec. 74-34. Obstruction to traffic.**

No person shall stop, stand or park any vehicle in a street in such a manner or under such conditions as to leave available less than ten feet of the width of any lane of the roadway for free movement of vehicular traffic, except that a driver may stop momentarily during the actual loading or unloading of passengers or when necessary in obedience to a traffic regulation or a traffic sign or signal or police officer.

(Code 1988, § 21-5)

#### **Sec. 74-35. Places where parking prohibited by sign.**

No person shall park a vehicle at any place where an official sign or marking prohibits parking.

(Code 1988, § 21-6)

#### **Sec. 74-36. Prohibited at all times on certain designated streets.**

When a sign is erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets or portions of streets as designated by the city.

(Code 1988, § 21-7)

#### **Sec. 74-37. Overtime parking in parking zones.**

(a) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle to be parked overtime or beyond the period of legal parking time, and any vehicle in any parking zone longer than the time limit fixed for such zone by sign or ordinance shall be considered to be illegally parked.

(b) It shall be unlawful to relocate a vehicle from one parking space within the same parking zone or to relocate a vehicle temporarily from the same parking space unless the vehicle has left the parking zone for an amount of time equal to or greater than the legal time limit for parking fixed for such zone.

(c) It shall be unlawful to roll the tires of a vehicle to remove or obscure or attempt to remove or obscure the markings made by parking enforcement personnel prior to removing the vehicle from the parking zone.

(Code 1988, § 21-8)

#### **Sec. 74-38. Certain purposes prohibited.**

No person shall stand or park a vehicle upon a public or private street, unpaved portion of public right-of-way, public parking lot or any other public property for the purpose of:

- (1) And intent of displaying such vehicle thereon for sale, hire or rental.
- (2) Painting, greasing or repairing such vehicle, except repairs necessitated by an emergency.
- (3) Washing or polishing such vehicle or any part thereof.
- (4) Displaying advertising.

- (5) Selling merchandise from the motor vehicle, except in a duly established marketplace or when so authorized or licensed under the laws of the city.
- (6) Conducting business from a mobile food dispensing vehicle, except as duly authorized for a city sponsored or approved special event.

(Code 1988, § 21-9; Ord. No. 21-37, § II, 10-28-21)

**Sec. 74-39. Passenger zones.**

No person shall stop, stand or park a vehicle in any place marked as a passenger zone for a period of time longer than the time indicated by signs or other appropriate markings or devices.  
(Code 1988, § 21-10)

**Sec. 74-40. Buses and taxicabs.**

The driver of a bus, hackney or taxicab shall not stand or park upon any street at any place other than at a bus stop, hackney stand or taxicab stand, respectively, except that this section shall not prevent the driver or any such vehicle from temporarily stopping in accordance with the other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.  
(Code 1988, § 21-11)

**Sec. 74-41. Parking on parkways.**

(a) For the purposes of this section, the term "parkway" is defined as that area from the right-of-way line to the edge of pavement of the lateral lines of a roadway including any grassy or unpaved median between two paved areas.

(b) It shall be unlawful for any person to park any motor vehicle in or on a parkway except as provided in subsections (c) and (d) of this section.

(c) The prohibition contained in subsection (b) of this section shall not apply to motor vehicles owned or operated by the city, by a public utility or by the county, state, or federal government when such vehicles are engaged in the performance of work by employees of such agencies in the course and scope of their employ-

ment, nor shall the prohibition apply to authorized emergency vehicles actually engaged in emergency service.

(d) The prohibition contained in subsection (b) of this section shall not apply to parkway areas which have been officially designated and signed by the city as permissible areas for parking when such is deemed to be in the public interest after review by the chief of police.

(Code 1988, § 21-12)

**Sec. 74-42. Use of more than one space.**

Any person who stops, stands or parks a vehicle in more than one space allotted for stopping, standing or parking shall pay the appropriate fees or fines for the number of spaces utilized.

(Code 1988, § 21-18)

**Sec. 74-43. Fire lanes on private property devoted to public use.**

(a) Fire lanes shall be established by the fire chief on private property, devoted to public use, where the parking of motor vehicles or other obstructions may interfere with the ingress and egress of fire department vehicles for the protec-