

tion of persons or property, such as shopping centers, bowling lanes, theaters, hospitals, churches, private alleys and similar locations.

(b) Marking of fire lanes designated by the fire chief shall be done by the owner or lessee of the private property. Fire lane pavement marking and signs shall be of a type and constructed to conform with specifications set forth by the chief of police and will be furnished and erected by the owner or the lessee of the private property.

(c) Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times.

(d) The police department is authorized to enforce subsection (c) of this section. Any vehicle found parked in a designated fire lane by a police officer shall be ticketed for illegal parking with a city violation notice.

(Code 1988, § 21-19; Ord. No. 10-14, § 2, 3-25-10)

Secs. 74-44—74-70. Reserved.

DIVISION 2. PARKING VIOLATIONS

Sec. 74-71. Liability for payment of parking ticket violations.

Under authority of F.S. ch. 316, the owner of a vehicle is responsible and liable for payment of any parking violation under this article unless the owner can furnish evidence that the vehicle was, at the time of the parking violation, in the care, custody or control of another person. In such instance, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish the chief of police or his designee an affidavit setting forth the name, address and driver's license number of the person or company who leased, rented, or otherwise had the care, custody or control of the vehicle. The affidavit submitted under this section is admissible in a proceeding charging a parking ticket violation and raises the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation. The owner of a vehicle is not responsible for the vehicle if it is stolen or in the care, custody, or control of some person who did not have permis-

sion of the owner to use the vehicle. Prima facie evidence that the vehicle involved was at the time stolen or in the care, custody or control of some person who did not have permission of the owner to use the vehicle shall be in the form of a report from the appropriate law enforcement official that the vehicle was not under the care, custody or control of the owner of the vehicle.

(Code 1988, § 21-20; Ord. No. 10-14, § 2, 3-25-10)

State law reference—Similar provisions, F.S. § 316.1967.

Sec. 74-72. Schedule of civil penalties for parking violations and the procedure to appeal violations.

(a) There is adopted the following schedule of civil penalties for parking violations occurring within the city for which payment must be made within fourteen calendar days of the issuance of the ticket and may be made at the city or may be mailed in the envelope provided or the person receiving the citation may elect to contest the citation by following the procedures outlined in section:

<i>Violation</i>	<i>Amount of Civil Penalty</i>
(1) No parking anytime.	\$ 30.00
(2) No parking, stopping or standing	30.00
(3) No parking here to corner . .	30.00
(4) No parking between signs . .	30.00
(5) No parking this side	30.00
(6) No parking, emergency. . . .	30.00
(7) No parking on parkway	30.00
(8) No parking except as permitted or prohibited during specific times as posted on signs	30.00
(9) No parking except for passenger loading.	30.00
(10) No parking, bus space.	30.00
(11) No parking, taxi stand	30.00
(12) No parking anytime, freight loading zone.	30.00

(13) No parking, space is designated for a specific individuals or vehicles other than disabled.....	30.00
(14) No parking, patient loading zone	30.00
(15) No parking, yellow or red curb (not a sign)	30.00
(16) No parking on sidewalk	30.00
(17) No parking blocking driveway.....	30.00
(18) No parking blocking dumpster.....	30.00
(19) No parking blocking wheelchair ramp	30.00
(20) No parking within 30 feet of official traffic control device	30.00
(21) No parking within 30 feet of nearest rail at railroad crossing	30.00
(22) Improper parking, obstructing traffic	30.00
(23) Improper parking, left wheels to curb (on two-way street) .	30.00
(24) Improper parking, wrong way on one-way street (parked facing opposite flow of traffic) .	30.00
(25) Blocking fire hydrant	30.00
(26) Keys left in unattended vehicle	30.00
(27) Parking by disabled permit only	250.00
(28) Parking overtime (limit authorized in zone).....	30.00
(29) Parking over line or not in compliance with markings..	30.00
(30) Designated fire lane	30.00

(b) The penalty in subsection (a) of this section must be paid within fourteen calendar days of the date of issuance of the parking violation notice by either hand delivery or by mailing the penalty in

the envelope provided with the notice or contest the violation by following the procedure in subsection (c) below.

(c) Any person receiving a parking violation notice shall, within fourteen calendar days, pay the civil penalty as prescribed in subsection (a) of this section or elect to contest the citation by completing and filing the "Contesting Affidavit" and other relevant information together with a filing fee in the amount of \$10.00 to the chief of police, his designee or such other person that may be designated on the citation. The filing fee shall be nonrefundable unless the chief of police or his designee determines that a parking violation did not occur as provided below or the code enforcement board determines that the parking violation did not occur. Any person who fails to pay the civil penalty prescribed on the citation or deliver the contesting affidavit as set forth herein within 14 days from the date of issuance of the parking violation shall incur a delinquent fee of \$15.00 and be deemed to have waived his/her right to contest the merits of such citation. Any person electing to contest a citation pursuant to this paragraph shall be deemed to have waived his/her right to pay the civil penalty prescribed on the citation and may be subject to additional fines and fees if same are imposed by the code enforcement board pursuant to section 74-77 of this chapter.

Upon receipt of a contesting affidavit, the chief of police or his designee shall review such affidavit and, based upon the evidence presented in such affidavit and any other relevant information, determine whether there is probable cause to believe that a parking violation has occurred. If the chief of police or his designee finds no probable cause to believe that a parking violation has occurred, then the chief of police or his designee shall void the citation, provide written notice of same to the person who submitted the contesting affidavit and refund the filing fee. If the chief of police or his designee determines that there is probable cause to believe that a parking violation has occurred, then the chief of police or his designee shall request a hearing before the code enforcement board to consider the contested citation.

The chief of police or his designee is hereby authorized and directed to supply the State of Florida Department of Highway Safety and Motor Vehicle with a magnetically encoded computer tape reel, cartridge or send by other electronic means data that is machine readable by the installed computer system at said department listing persons who (i) have three or more outstanding parking violations, or (ii) one or more parking violation(s) of F.S. § 316.1955 or any city ordinances which regulate similar parking in spaces designated for use by disabled persons. (Code 1988, § 21-21(1), (2); Ord. No. 10-14, § 2, 3-25-10)

Sec. 74-73. Procedures upon noncompliance with parking violation notice.

(a) Payment of civil penalties for parking violations shall be accepted and a receipt shall be issued. A record of such civil penalties shall be made and such daily report of the money collected and the money shall be deposited daily with the city finance department.

(b) If any person summoned by a parking violation notice affixed on a motor vehicle does not respond to such notice with the time specified on such notice, the city shall assess the appropriate delinquent fee per violation against the registered owner of the motor vehicle. In addition, a notice of summons shall be sent, by mail, to the registered owner, of the parking violation notice and the failure to comply therewith. Such notice shall direct the recipient to respond within ten calendar days; otherwise, a summons will be issued for failure to comply in violation of subsection 74-74(a). Costs in the amount of \$5.00 shall be assessed incident to this notification process.

(c) Any person who fails to respond to the original parking violation notice within the time specified on such notice shall be deemed to have waived the right to contest the merits of such parking violation and may, if found guilty, be fined up to \$100.00 for each parking violation notice for which there has been no compliance.

(d) A violation of subsection 74-74(a) shall be deemed a separate and distinct violation and shall not be construed to be merged with or a part of the original parking violation.

(e) One dollar from each paid parking citation issued under this article will be placed into the law enforcement training fund for the city. (Code 1988, § 21-22)

Sec. 74-74. Failure to obey notice; alteration or destruction of notice.

(a) It shall be unlawful for the responsible party, as defined in section 74-71 to neglect to answer to the charge set forth in a violation notice affixed to a motor vehicle by a police officer.

(b) The notice referred to in subsection (a) of this section is and shall remain the property of the city before and after serving, delivery or affixing thereof. All persons receiving any such notice in writing, whether by personal service or by affixing the notice to a motor vehicle, shall be required to preserve such notice and to bring and present it or otherwise transmit the notice to the chief of police or his designee when answering the charge set forth in such notice.

(Code 1988, § 21-23; Ord. No. 10-14, § 2, 3-25-10)

Sec. 74-75. Altering parking tickets.

No person, whether the recipient thereof or otherwise, shall willfully throw away, alter, mar, mutilate, destroy or discard the violation notice issued pursuant to this division.

(Code 1988, § 21-24)

Sec. 74-76. Unlawful use of envelope accompanying notice.

It shall be unlawful for any person to place in the envelope, provided with the accompanying the parking violation notice, any nonpaper item or object. Paper items include the written notice, currency, checks and money orders.

(Code 1988, § 21-25)

Sec. 74-77. The Winter Garden Code Enforcement Board's duties and powers as the official appeals board for parking violations.

(a) The Winter Garden Code Enforcement Board, "board," is designated as the official appeals board for parking violations. The board shall have the following powers and duties:

- (1) To hear contests to parking citations issued by the City of Winter Garden and receive and evaluate evidence in connection therewith; and

- (2) To make a determination, based upon the preponderance of the evidence, as to whether the parking violation(s) listed in a citation were committed; and
- (3) To impose fines and fees, including late fees and administrative charges, consistent with this chapter.

(b) Four members of the board shall constitute a quorum, and no action may be taken if less than four members are present and voting.

(c) The board shall adopt rules for transaction of its business and shall keep a record of its resolutions, transactions, actions, findings and determinations. Meetings of the board shall be held in conjunction with regular meetings of code enforcement board at the call of the chairperson and at such times as the board may determine, and if the chief of police or his designee requests a meeting of the board to consider a contested citation as provided in section 74-72 of this chapter or as provided in other provisions of the City Code, then the chairperson shall call a meeting of the board within 30 days of such request.

(d) With respect to parking citations issued for violations of chapter 74 of the City Code, if the board determines that the parking violation(s) listed in the contested parking citation were in fact committed, the board may impose a fine of up to \$50.00 for each violation or \$250.00 for each disabled parking violation, plus hearing costs for the issuing officer's attendance. If the board determines the parking violation(s) listed in the contesting affidavit were not committed, then the contested parking violation shall be dismissed and the filing fee shall be refunded.

(e) Formal rules of evidence shall not apply at the hearing on the appeal and any relevant evidence may be admitted. Hearsay evidence may be admitted, but shall not form the sole basis upon which the board's decision is made. Irrelevant and unduly repetitious evidence may be excluded. The hearing shall be conducted in a manner to ensure that procedural and substantive due process is afforded the person filing the appeal to the board.

(f) The decision of the board shall be the final action by the city.

(g) This ordinance provides supplemental authority to the city for the enforcement of parking requirements, and the city, in its discretion, may pursue any and all other available mechanisms for the enforcement of applicable parking requirements and regulations.
(Ord. No. 10-14, § 2, 3-25-10)

Secs. 74-78—74-105. Reserved.

ARTICLE III. IMPOUNDMENT

Sec. 74-106. Removal and impounding of illegally parked, abandoned or disabled vehicles.

Police officers are authorized to remove any vehicle from any street or alley within the city to an authorized towing vendor's vehicle storage facility or other place of safety at the owner's expense, under the following circumstances:

- (1) When any vehicle is left unattended:
 - a. On a sidewalk;
 - b. In front of a public or private driveway;
 - c. Within 15 feet of a fire hydrant or in a fire lane;
 - d. Within an intersection;
 - e. On a crosswalk;
 - f. Between a safety zone and the nearest curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the city has indicated a different length;
 - g. In a space designated for emergency vehicles only;
 - h. Within 20 feet of a driveway entrance to a fire station and, if prohibited by a sign, on the side of a street opposite such station;
 - i. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic and is prohibited by sign;

- j. At any place where official signs prohibit parking, stopping or standing;
 - k. In a city off-street parking facility for any period of time longer than 24 hours or upon any street longer than 72 hours;
 - l. Upon any bridge, elevated structure, viaduct, causeway, tube or tunnel where such vehicle is obstructing traffic or otherwise creating a safety hazard;
 - m. For more than two hours in a painted safety zone on roadways within the city; and
 - n. For more than 24 hours on the shoulder or median of state roadways within the city limits.
- (2) When a vehicle is obstructing traffic or otherwise creating a safety hazard and the person in charge of the vehicle is absent or because of physical injury or condition is incapacitated to such an extent as to be unable to provide for its custody or removal.
 - (3) When any vehicle is parked on any parking facility or area designated or used in connection with city hall, the police station, or other facilities of the city in violation of the posted signs and the permitted uses.
 - (4) When any motor vehicle remains stopped or parked on any property owned or controlled by the city not designated for parking for a period longer than 12 hours.
- (Code 1988, § 21-14; Ord. No. 15-12, § 2, 1-8-15)
State law reference—Parking regulations, F.S. § 316.1945.

Sec. 74-107. Removing, impounding and immobilization of vehicles bearing outstanding citations.

(a) Any motor vehicle found parked at any time upon any street or in any off-street parking facility in the city against which there are five or more outstanding or otherwise unsettled parking violation notices for which no hearing has been requested within the requisite time period and for which a notice of summons has been mailed may,

by or under the direction of a police officer, be immobilized in such a manner as to prevent its operation. No such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place. If no immobilization device or other mechanism is available, the vehicle may be towed to a public garage or other place of safety, at the owner's expense.

(b) If, after contacting the appropriate state agency which acts as custodian of vehicle registration and license tag records for the state from which the license tag attached to the motor vehicle was issued, a police officer is unable to determine the motor vehicle owner's address, the motor vehicle may be immobilized or towed in accordance with subsection (a) of this section, except it shall not be necessary for the police department to mail a notice of summons before the motor vehicle may be immobilized or towed.

(c) It shall be the duty of the police officer immobilizing such motor vehicle or under whose direction such vehicle is immobilized to post on such vehicle, in a conspicuous place, notice sufficient to inform the owner or operator of the vehicle that:

- (1) Such vehicle has been immobilized pursuant to and by the authority of this section; and
- (2) The owner of any immobilized or towed vehicle or other duly authorized person shall be permitted to repossess or to secure the release of the vehicle upon compliance with either of the following alternative procedures:

- a. Payment to the city clerk or to the police department, if after normal city hall business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, of a service charge of \$50.00, which does not include any applicable towing fees, for removal of the immobilization device or for authorizing the towing company to release the vehicle; or

- b. Posting with the city clerk or with the police department, if after normal city hall business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, of a cash or surety bond or other adequate security equal to the amount of \$50.00. If, during the hearing on the outstanding parking vio-

lation notices which necessitated the immobilization or towing of the vehicle, the city prevails on any or all of the outstanding violations, the cash or surety bond of \$50.00 shall be forfeited to the city.

(d) It shall be unlawful for anyone, except those persons authorized by the police department, to remove or attempt to remove, tamper with, or in any way damage or alter the immobilization device or to notify a towing company to release a vehicle that has been towed in accordance with this chapter.

(e) Any vehicle immobilized pursuant to this section shall be subject to impoundment as authorized by section 74-106.
(Code 1988, § 21-15)

Sec. 74-108. Storage, costs and removal of impounded vehicles.

When a vehicle is removed pursuant to section 74-106 or 74-107, notice shall be provided to the vehicle owner pursuant to F.S. § 713.78.
(Code 1988, § 21-16)

Sec. 74-109. Notice of owner's claim for loss or damage to immobilized vehicle.

At the time of release of a vehicle immobilized or towed pursuant to section 74-106 or 74-107, the owner of such vehicle or other duly authorized person shall inspect the vehicle and shall give a receipt to the chief of police reciting any claims he has for loss or damage to the vehicle.
(Code 1988, § 21-17)

Secs. 74-110—74-135. Reserved.

ARTICLE IV. PARADES AND MOTORCADES*

Sec. 74-136. 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:

Motorcade means an organized procession containing 25 or more vehicles, except a funeral procession, upon any public street, sidewalk or alley.

Parade means any march or procession consisting of people, animals or vehicles or combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls.

(Code 1988, § 21-27(a))

Cross reference—Definitions generally, § 1-2.

Sec. 74-137. Permit required.

It shall be unlawful for any person to conduct a parade or motorcade in or upon any public street, sidewalk or alley in the city or to knowingly participate in any such parade or motorcade unless and until a permit to conduct such parade or motorcade has been obtained from the chief of police or, as provided in this article, from the city commission.
(Code 1988, § 21-27(b))

Sec. 74-138. Commercial purposes.

No permit shall be issued authorizing the conduct of a parade or motorcade which the chief of police finds is proposed to be held for the sole purpose of advertising any product, goods, wares, merchandise, or event and which is designed to be held purely for private profit.
(Code 1988, § 21-27(c))

Sec. 74-139. Interference.

No person shall knowingly join or participate in any parade or motorcade conducted under

***State law reference**—Funeral processions, F.S. § 316.1974.

permit from the chief of police in violation of any of the terms of the permit or knowingly join or participate in any permitted parade or motorcade without the consent and over the objection of the permittee or in any manner interfere with its progress or orderly conduct.

(Code 1988, § 21-27(d))

Sec. 74-140. Application for permit.

Any person who wants to conduct a parade or motorcade shall apply to the chief of police for a permit at least 30 days in advance of the date of the proposed parade or motorcade. The chief of police may in his discretion consider any application for a permit to conduct a parade or motorcade which is filed less than 30 days prior to the date such parade or motorcade is to be conducted. The application for such permit shall be made in writing on a form approved by the chief of police. In order that adequate arrangement may be made for the proper policing of the parade or motorcade, the application shall contain the following information:

- (1) The name of the applicant, the sponsoring organization, the parade or motorcade chairman and the addresses and the telephone numbers of each.
- (2) The purpose of the parade or motorcade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, route to be traveled and the approximate time when the parade or motorcade will assemble, start and terminate.
- (3) A description of the individual floats, marching units, vehicles or bands, including a description of any sound amplification equipment to be used.
- (4) Such other information as the chief of police may deem reasonably necessary.

(Code 1988, § 21-27(e))

Sec. 74-141. Issuance or denial of permit.

(a) *Standards for issuance.* The chief of police shall issue a parade or motorcade permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the chief of police finds that:

- (1) The time, route and size of the parade or motorcade will disrupt to an unreasonable extent the movement of other traffic.
- (2) The parade or motorcade is of a size or nature that requires the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto that allowing the parade or motorcade would deny reasonable police protection to the city.
- (3) Such parade or motorcade will interfere with another parade or motorcade for which a permit has been issued.

(b) *Standards for denial.* The chief of police shall deny an application for a parade or motorcade permit and notify the applicant of such denial where:

- (1) The chief of police makes any finding contrary to the findings required to be made for the issuance of a permit.
- (2) The information contained in the application is found to be false or nonexistent in any material detail.
- (3) The applicant refuses to agree to abide by or comply with all conditions of the permit.

(Code 1988, § 21-27(f))

Sec. 74-142. Contents of permit.

In each permit issued under this article the chief of police shall specify the following:

- (1) The assembly area and time therefor.
- (2) The starting time.
- (3) The minimum and maximum speeds.
- (4) The route of the parade or motorcade.
- (5) What portions of streets to be traversed may be occupied by such parade or motorcade.