

ARTICLE III. PARKING, STOPPING
AND STANDING*

***Editor's note:** This article was originally derived from §§ 1--5 of Ord. No. 77-23, adopted Nov. 23, 1977. Section 11 of Ord. No. 81-2, adopted Jan. 21, 1981, repealed Ord. No. 77-23; and §§ 1--10, 13 were included as new art. III, §§ 37-31--37-41. Ord. No. 81-2 and amendatory Ord. No. 86-2, adopted Jan. 29, 1986, were repealed by § 11 of Ord. No. 90-42, adopted Dec. 5, 1990. Sections 1--10, 13 of Ord. No. 90-42 have been included as a new art. III, §§ 37-31--37-41. Though not specifically repealed, Ord. No. 84-19, §§ 1--3, adopted Oct. 17, 1984, has been deleted as superseded by Ord. No. 90-42.

Sec. 37-31. Short title.

This article may be cited as the "Hillsborough County Parking Ordinance."
(Ord. No. 98-48, § 1, 9-16-98)

Sec. 37-32. Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context otherwise requires:

- (1) *Access Aisle:* An area beside or adjacent to a designated disabled parking space, which is striped diagonally to designate it as a no-parking zone, and which is reserved for the temporary exclusive use of persons who have disabled parking permits or license plates and who require extra space to deploy a mobility device, lift, or ramp in order to exit from or enter a vehicle parked in an adjacent designated disabled parking space.
- (2) *Authorized Vehicle:* A vehicle which has been designated by a county, state, or other government as authorized to park within a reserved parking space, tow-away zone pursuant to procedures established by the county administrator.
- (3) *Board:* The Board of County Commissioners of Hillsborough County, Florida.
- (4) *Civil Penalty:* An amount of money imposed by this article for a violation which is deemed to be a parking infraction.
- (5) *Clerk:* Clerk of the Circuit Court and County Courts of Hillsborough County, Florida.
- (6) *County:* Hillsborough County, Florida.
- (7) *Crosswalk:*
 - a. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or in the absence of curbs, from the edges of the traversable roadway.
 - b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (8) *Designated Disabled Parking Space:* Any parking space prominently outlined with blue paint, and posted with a permanent above-grade sign of a color and design approved by the department of transportation, which is placed on or at a distance of 84 inches above the ground to the bottom of the sign, and which bears the international symbol of accessibility and the caption "PARKING BY DISABLED PERMIT ONLY."

(9) *Designated Official*: A county judge, or civil traffic infraction hearing officer, or other official authorized by law to preside over a court or hearing adjudicating traffic infractions.

(10) *Disabled Person*: Any person who is:

a. Currently certified to have any of the disabilities listed in F.S. § 320.0848, or any amended or successor statutes, that render him or her unable to walk 200 feet without stopping to rest; or

b. Currently certified as being legally blind pursuant to F.S. § 320.0848, or any amended or successor statutes;

and who has been issued a disabled parking permit or license plate pursuant to F.S. §§ 316.1958, 320.084, 320.0842, 320.0843, 320.0845, or 320.0848, or any amended or successor statutes.

(11) *Intersection*:

a. The area embraced within the prolongation or connection of two lateral curb lines; or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

b. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(12) *Official Traffic Control Device*: Any sign, signal, marking, or device placed or erected by the county or by authority of any other public body or official having jurisdiction for the purpose of regulation, warning, or guiding traffic or for regulating parking areas located on property owned or leased by the county.

(13) *Official Traffic Control Signal*: Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(14) *Owner*: A person who holds the legal title of a vehicle, or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of the vehicle is entitled to possession, then such conditional vendee, or lessee, or mortgagor shall be deemed the owner, for purposes of this article.

(15) *Park or parking*: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law or under this article.

(16) *Parking Enforcement Specialist*: A person employed by the sheriff to enforce parking regulations who has successfully completed a training program established and approved by the criminal justice standards and training commission for parking enforcement specialists, but who does not otherwise meet the uniform minimum standards established by the criminal justice standards and training commission for police officers or auxiliary or part-time officers under F.S. § 943.12, or any amended or successor statutes.

(17) *Parking Ticket*: An official form used by the sheriff or parking enforcement specialist to notify the owner of a vehicle that said vehicle is parked, stopped, or standing in violation of the provisions of this article.

(18) *Person*: Any natural person, firm, partnership, association, or corporation.

(19) *Private road or driveway*: Any privately-owned way or place for vehicular travel by the owner, and those having express or implied permission from the owner, and not open to travel by the public.

(20) *Railroad*: A carrier of persons or property upon cars operated upon stationary rails.

(21) *Reserved Parking Space, Tow-Away Zone*: A parking area located on property owned or leased by the county which has been designated as "Reserved Parking Space, Tow-Away Zone" under procedures established by the county administrator from which an unauthorized vehicle may be removed at the owner's expense.

(22) *Roadway*: That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways collectively.

(23) *Sheriff*: The Sheriff of Hillsborough County or his duly-appointed deputies.

(24) *Sidewalk*: That portion of a street between the curb line or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

(25) *Stand or Standing*: The halting of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by law or under this article.

(26) *Stop or Stopping*: When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or official traffic control device or signal.

(27) *Street or Highway*: The entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic.

(28) *Traffic*: Pedestrians, ridden or herded animals, and vehicles, and other conveyances either singly or together while using any street or highway for purposes of travel.

(29) *Unauthorized Vehicle*: A vehicle which has not been designated by a county, state, or other government as authorized to park within a reserved parking space, tow-away zone pursuant to procedures established by the county administrator.

(30) *Vehicle*: Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Ord. No. 98-48, § 2, 9-16-98)

Sec. 37-33. Stopping, standing and parking in specified locations.

Within the unincorporated areas of Hillsborough County, except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of the sheriff or his deputy or official traffic control device, no person shall:

(1) Stop, stand, or park a vehicle:

- 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. 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;

- f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - h. On any railroad tracks;
 - i. On a bicycle path; and
 - j. At any place where an official traffic control device prohibits stopping.
- (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 15 feet of a fire hydrant;
 - c. Within 20 feet of a crosswalk at an intersection;
 - d. Within 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 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 75 feet of said entrances when properly signposted;
 - f. On an exclusive bicycle lane;
 - g. At any place where an official traffic control device prohibits standing; and
 - h. On a highway, roadway, or street or in a traffic lane or alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the highway, roadway, street, traffic lane, or alley for the free movement of vehicular traffic.
- (3) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers:
- a. Within 50 feet of the nearest rail of a railroad crossing; and
 - b. At any place where official traffic control device prohibits parking.
- (4) Except as otherwise provided in this article, 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 12 inches of the right-hand curb or edge of the roadway.
- (5) Except as otherwise provided in this article, 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 the authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.
- (6) When necessary for the public health, safety, and welfare, the county administrator or his designee is authorized to erect official traffic control devices conforming to the manual and specifications of the department of transportation which prohibit or restrict parking or limit the parking times on any highway, roadway, street, or any side of any highway, roadway, or street, and no person shall park a vehicle in violation thereof. Official traffic control devices giving notice of the restrictions under this section shall be erected in accordance with the manual and specifications of the department of transportation.
- (7) No person shall park any vehicle upon a public highway, roadway, or street, upon a public parking lot, or other public property, or upon private property where the public has the right to travel by vehicle, for the principal purpose of displaying the vehicle for sale unless the sale of the vehicle is specifically authorized on such property by municipal or county regulation and the person is duly licensed as a motor vehicle dealer in accordance with Section 320.27, Florida Statutes, and the person is in compliance with all municipal or county licensing regulations. Nothing in this section shall prohibit a person from parking his or her own vehicle on any private

real property which the person owns or leases or on private real property which the person does not own or lease, but for which he or she obtains the permission of the owner, for the principal purpose of sale. Any vehicle parked in violation of this section 24 hours after a previous violation and written notice, shall be subject to removal of the vehicle at the owner's expense pursuant to section 37-38 of this article.
(Ord. No. 98-48, § 3, 9-16-98; Ord. No. 00-18, § 1, 4-19-00)

Sec. 37-34. Parking spaces for certain disabled persons; report of outstanding violations.

(a) Pursuant to F.S. § 316.1955, or any amended or successor statutes, no person shall stop, stand, or park any vehicle in, or obstruct any designated disabled parking space located on county owned or leased property or within the unincorporated areas of the county, whether such parking space is located on public or private property, unless such vehicle displays a disabled parking permit or a license plate issued pursuant to F.S. §§ 316.1958, 320.084, 320.0842, 320.0843, 320.0845, or 320.0848, or any amended or successor statutes, and such vehicle is transporting the person to whom the displayed permit is issued.

(b) Pursuant to F.S. § 316.1955, or any amended or successor statutes, no person shall obstruct the path of travel to a designated disabled parking space, curb cut, or access aisle located on county owned or leased property, or within the unincorporated areas of the county, whether such parking space is located on public or private property, by standing or parking a vehicle within any such designated area. The violator is subject to the same penalties as are imposed for illegally parking in a space that is designated as an accessible parking space for persons who have disabilities.

(c) Any person who is chauffeuring a person who has a disability is allowed, without need for a disabled parking permit or a special license plate, to stand temporarily in any such parking space, for the purpose of loading or unloading the person who has a disability.

(d) Pursuant to F.S. § 316.1967(6), or any amended or successor statutes, the clerk shall supply the department of highway safety and motor vehicles with a magnetically encoded computer tape reel or cartridge or send by other electronic means data which is machine readable by the installed computer system at the department, listing persons who have any outstanding violations of F.S. § 316.1955, or any amended or successor statutes, or this article regulating parking in spaces designated for use by disabled persons. The provisions of F.S. § 320.03(8), or any amended or successor statutes, which restricts renewal of license plate or revalidation decal, shall apply to each person whose name appears on said list.

(Ord. No. 98-48, § 4, 9-16-98)

Sec. 37-35. Parking in fire lanes.

No person shall park a vehicle in an area designated by the fire marshall of the county to be a fire lane and marked as such.

(Ord. No. 98-48, § 5, 9-16-98)

Sec. 37-36. Regulation of parking in parking areas located on property owned or leased by Hillsborough County, Florida; procedures for designating reserved parking space, tow-away zone areas; procedures for removal of vehicles parked in violation of section.

(a) The board shall have original 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.

(b) The board hereby authorizes the county administrator to issue and designate reserved parking space, tow-away zone parking spaces, in consultation with members of the board of county commissioners and other officials, to be utilized by county, state, or other governmental personnel for use in connection with their functions and duties. The board further authorizes the county administrator or his designee to promulgate rules and procedures governing the designation of such spaces, the enforcement of the provisions related thereto, and to effectuate the purposes of this article related to parking on property owned or leased by the county.

(c) No person shall park an unauthorized vehicle in parking areas located on property owned or leased by the county, which are marked with an official traffic control device designating a reserved parking space, tow-away zone.

(d) No person shall park a vehicle in such a way as to block entry or exit from parking areas located on property owned or leased by the county, which are marked with an official traffic control device designating a reserved parking space, tow-away zone.

(e) No person shall park a vehicle in parking areas located on property owned or leased by the county in such a manner or under such conditions that causes the vehicle or any portion thereof to occupy more than one parking space or extend onto or across the lines or markings which designate a parking space.

(f) Parking in violation of this section shall subject the vehicle's owner to civil penalties and to removal of the vehicle at the owner's expense pursuant to sections 37-37 and 37-38 of this article.

(Ord. No. 98-48, § 6, 9-16-98; Ord. No. 00-18, § 2, 4-19-00)

Sec. 37-37. Civil penalties.

(a) Any person who parks or stands a vehicle in violation of the provisions of sections 37-33 or 37-36 of this article shall be guilty of a noncriminal violation and shall be assessed a civil penalty of \$30.00.

(b) Any person who parks or stands a vehicle in violation of the provisions of section 37-34 of this article shall be guilty of a noncriminal violation and shall be assessed a civil penalty of \$250.00. However, this fine will be waived if a person provides proof to the clerk of the circuit court that the person committing the violation has a valid parking permit or license plate issued pursuant to F.S. §§ 316.1958, 320.084, 320.0842, 320.0843, 320.0845, or 320.0848, or any amended or successor statutes, or a signed affidavit that the owner of the disabled parking permit or license plate was present at the time the violation occurred, and that such a 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 \$5.00 dismissal fee, the clerk shall dismiss the citation.

(c) Any person who parks or stands a vehicle in violation of the provisions of section 37-35 of this article shall be guilty of a noncriminal violation and shall be assessed a civil penalty of \$33.00. Three dollars of this fine shall be used by the county to fund a firefighter education program. The clerk shall report to the county on a monthly basis, the amount of fines collected for this purpose.

(d) Each day any violation occurs or continues shall be a separate offense.

(e) The amount of any civil penalty specified in this section shall be increased by \$5.00 if payment is not received by the clerk within the described ten-day period from the date of issuance of the parking ticket.

(f) Unless otherwise provided herein, any civil penalties received by the clerk for violation of the provisions of this article shall be paid monthly to the county.

(g) Notwithstanding section 37-37(f) of this article and unless otherwise provided herein, any civil penalties received by the clerk for violation of the provisions of section 37-34 of this article shall be deposited in a separate account to be distributed in the following manner:

(1) One-third to the clerk to defray the costs incurred in carrying out the provisions of this article.

(2) Two-thirds to the sheriff to improve accessibility and equal opportunity to disabled persons in the county and to provide funds to conduct public awareness programs in the county concerning disabled persons.

(Ord. No. 98-48, § 7, 9-16-98)

Sec. 37-38. Enforcement.

(a) A deputy sheriff or parking enforcement specialist who discovers a vehicle parked in violation of this article shall issue a parking ticket approved for use by the board and shall attach such ticket to the vehicle in a conspicuous place. Any person who is issued a county parking ticket by a parking enforcement specialist or officer is deemed to be charged with a noncriminal violation and shall comply with the directions on the parking ticket. Such parking ticket shall contain language providing notice of the following:

(1) The type of violation and the amount of civil penalty imposed by this article;

(2) The person receiving the parking ticket or the owner of such vehicle has ten days from the date of issuance of the parking ticket to either (i) make payment of the civil penalty amount listed on said ticket to the clerk, or (ii) elect to personally appear before a designated official to contest the violation by requesting a court date. Such election shall be made by the execution of a statement prepared by the clerk, indicating the person's willingness to appear at a hearing at the time and place specified thereon; and

(3) The consequences of the failure to comply with directions contained on the parking ticket.

(b) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions on the parking ticket.

(c) The deputy sheriff or parking enforcement specialist 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 and a copy of the parking ticket form shall be forwarded to the clerk within five days from the date of issuance of the parking ticket.

(d) A deputy sheriff or parking enforcement specialist who discovers a vehicle parked in violation of sections 37-33(7), 37-34, or 37-36 of this article is hereby authorized to issue a parking ticket pursuant to section 37-38(a) of this article and in addition thereto, is authorized to notify a law enforcement agency of such violation and request that agency to instruct a person regularly engaged in the business of transporting vehicles by wrecker, tow truck, or car carrier, to recover, remove, and store the unauthorized vehicle. Such vehicle shall be removed, transported, and stored in such a manner as to comply with all statutory requirements, allowing for a lien to attach upon the vehicle for towing, transportation and storage fees pursuant to F.S. § 713.78, or any amended or successor statutes.

(Ord. No. 98-48, § 8, 9-16-98; Ord. No. 00-18, § 3, 4-19-00)

Sec. 37-39. Procedures governing payment of civil penalties and proceedings to enforce payment for county parking violations.

(a) If no payment nor a request for a hearing has been received after ten days from the date of the issuance of the parking ticket have elapsed, the clerk shall notify the registered owner of the vehicle that was cited, by mail to the address given on the motor vehicle registration, of the parking ticket. Mailing the notice to this address constitutes notification. Upon notification, the registered owner shall comply with the court's directive. The notice shall state that the owner has 14 days from the date of mailing of said notice in which to either:

(1) Make payment of the stated civil penalty amount; or

(2) Elect to personally appear before a designated official to contest the violation, for reasons including, but not limited to, those described in section 37-39(b) of this article. Such notice shall inform the owner that any person who fails to satisfy the court's directive waives his or her right to pay the applicable civil penalty.

(b) The owner of a vehicle is responsible and liable for payment of any parking ticket violation 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 instances, the owner of the vehicle is required to furnish to the law enforcement authority having issued the ticket an affidavit setting forth the name, address, and driver's license number of the person who leased, rented, or otherwise had the care, custody, or control of the vehicle. The owner must submit such affidavit within 14 days after the mailing of the notice by the clerk. The affidavit submitted pursuant to this subsection shall be admissible in a court proceeding charging a parking ticket violation and shall raise the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation. Additionally, the owner of a vehicle shall not be responsible for a parking ticket violation if he or she submits to the law enforcement authority having issued the parking ticket an affidavit stating 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.

(c) A designated official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed \$250.00, plus court costs for violations of the provisions of section 37-34 of this article, or a civil penalty not to exceed \$100.00, plus court costs for all other violations of this article. Any person who fails to pay the civil penalty within the time allowed by the designated official is deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the civil penalty.

(d) Florida Rules for Traffic Courts 6.350, 6.360 and 6.370 will govern the computation of time, enlargement of time, and additional time after service by mail, respectively, with regards to the notice referenced in this section.

(Ord. No. 98-48, § 9, 9-16-98)

Sec. 37-40. Applicability.

The provisions of this article shall be applicable in the unincorporated areas of the county, and to areas owned or leased by the county whether or not such areas are located within the boundaries of chartered municipalities.

(Ord. No. 98-48, § 10, 9-16-98)