

ORDINANCE NO. 2015- 30

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CREATING THE ST. JOHNS COUNTY PARKING ORDINANCE; PROVIDING SCOPE; PROVIDING DEFINITIONS; PROHIBITING THE PARKING OF VEHICLES IN FIRE LANES; REGULATING THE MANNER OF PARKING ON PUBLIC STREETS AND HIGHWAYS; PROHIBITING STOPPING, STANDING, OR PARKING IN SPECIFIED PLACES; PROHIBITING CERTAIN EXTENDED PARKING; PROHIBITING PARKING IN DESIGNATED BUS STOPS OR TAXICAB STANDS; REGULATING THE PARKING OF TRAILERS, MOBILE HOMES, AND MOTOR HOMES; PROVIDING FOR THE PLACEMENT OF PARKING RELATED SIGNS; REGULATING UNATTENDED MOTOR VEHICLES; AUTHORIZING IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES; PROVIDING THAT OWNERSHIP OF A VEHICLE IS PRIMA FACIE EVIDENCE OF RESPONSIBILITY FOR A VIOLATION OF THIS ORDINANCE; PROVIDING FOR PARKING TICKET CITATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR LAW ENFORCEMENT AND EMERGENCY VEHICLES; REPEALING ST. JOHNS COUNTY ORDINANCE 2006-58; PROVIDING FOR CONFLICTS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY:

Section 1. Short Title.

This ordinance may be cited as the St. Johns County Parking Ordinance.

Section 2. Scope.

A. This ordinance shall be effective throughout the unincorporated portions of St. Johns County and in any special district or incorporated area of the County in which the County provides traffic enforcement services through an interlocal agreement.

B. The provisions of this ordinance shall apply to any County-owned parking lot, even if the location of such lot falls outside the scope set forth in subsection A above.

Section 3. Definitions.

A. The definitions set forth in Title XXIII, Florida Statutes, are incorporated into this ordinance by reference.

B. For the purposes of this ordinance, the following definitions shall apply:

1. *Clear zone* means the total roadside border area beginning at the edge of the travel lane that is wide enough to allow drivers to stop or regain control of the vehicle, including the shoulders and recoverable slopes or non-recoverable, traversable slopes with a clear run-out area at the toe of slope.
2. *County* means St. Johns County, Florida.
3. *Curb* means any concrete border along the edge of a travel lane intended to direct stormwater runoff or to restrain movement of traffic.
4. *Ditch* means any open drainage conveyance with sideslopes with a horizontal to vertical ratio steeper than 4:1.
5. *Fire lane* means any area described by or marked in accordance with the National Fire Protection Association's Standard 1, as adopted by Section 633.202, Florida Statutes.
6. *Heavy truck* means any vehicle heavier or larger in size than a one-ton, dual rear wheel pick-up truck.
7. *Intersection* means the convergence of two or more road alignments. The intersection area includes all right-of-way inside any turning radius or to the end of any auxiliary lanes.
8. *Maintained driving surface* means any paved, stabilized, graded, or mowed surface intended for vehicular movement.
9. *Park or parking* means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading and unloading merchandise or passengers.
10. *Public street or highway* means any maintained driving surface intended for through travel within a right-of-way or dedicated easement, including the right-of-way or dedicated easement of the County, or any special district or incorporated area of the County in which the County provides traffic enforcement services through an interlocal agreement.
11. *Right-of-way* means land in which the County, or any other public or private entity, owns the fee or has an easement devoted to or required for use as a transportation facility.
12. *Swale* means any open drainage conveyance with sideslopes with a horizontal to vertical ratio equal to or less than 4:1.
13. *Travel lane* means the portion of the roadway designed and intended for through travel of vehicles, specifically excluding shoulders, berms, sidewalks, ditch and

swale slopes, and parking lanes. The edge of the travel lane is delineated by the solid white painted edge line when present; the edge of pavement where no edge line is present; the edge of stabilized surface when the road surface is unpaved; the inside toe of the windrow on graded surfaces; and the outside edge of the wheel ruts on un-graded surfaces.

Section 4. Fire/Rescue Department Access.

It shall be unlawful for any person to park on any designated fire lane, Fire Rescue Department access area, or on any portion of a parking lot that is open to public vehicular traffic and has been marked with County approval as a fire lane. Said markings shall be painted on the pavement itself and shall describe the exact boundaries of the fire lanes. The markings shall comply with Florida's Department of Transportation regulations. If the Department should fail to provide regulations for markings, then the fire lane shall be marked by lines painted along the length and width of the boundaries with the interior identified by parallel lines painted not more than three (3) feet apart running at a 45 degree angle from one length side to the other. If the fire lane is designated by posted signs, such signs shall comply with the standards set forth in NFPA 1.

Section 5. Manner of Parking.

A. Parking shall be a lawful use of the right-of-way in public streets or highways where it does not create a safety problem due to obstruction of the travel lane, obstruction of sight distance, or damage to the clear zone.

B. Except as otherwise provided in this ordinance, vehicles shall be parked parallel to the edge of the travel lane, curb, paved roadway, or maintained driving surface and shall face in the direction of lawful traffic movement, unless otherwise provided by Florida law or this ordinance. The road-side wheels of a vehicle shall not be closer than 2 feet to the travel lane. The curb-side wheels of a vehicle shall be within 12 inches of the curb where a curb is present, except as provided below:

1. Upon portions of streets that have been marked or signed for parallel or angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or signs, within the marked parking space, out of the travel lane, and not obstructing any pedestrian walkway.

2. In zones designated for the purpose of loading or unloading merchandise or material, vehicles used for transportation of merchandise or materials may back into the curb to take on or discharge loads for a reasonable time period necessary for the loading or unloading.

3. On residential streets with limited off-street parking options, no marked on-street parking, and a speed limit of 30 miles per hour or less, parking within one of the two travel lanes shall be allowed where, in the reasonable opinion of the law enforcement

officer present at the scene, such parking does not create a safety problem due to obstruction of sight distance and does not obstruct the flow of traffic

4. On public highways with a speed limit greater than 30 miles per hour, vehicles shall be parked parallel to the roadside with wheels no closer than 4 feet from the edge of the travel lane.

Section 6. Stopping, Standing, or Parking Prohibited in Specified Places.

A. 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 shall:

1. Stop, stand, or park a vehicle or trailer:
 - 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, unless indicated a different length by County-approved signs or markings;
 - 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 lane, bicycle path, or multi-purpose pathway;
 - j. At any place where official traffic control devices prohibit stopping; or
 - k. Within 30 feet of any mailbox on any public highway section with speed limit greater than 30 miles per hour between 8:00 a.m. and 6:00 p.m.;

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 or any fire protection appliance;
 - c. Within 20 feet of a crosswalk at an intersection;
 - d. Within 30 feet of the approach to any flashing signal, stop sign, or 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 entrance to any fire station within 75 feet of such entrance (when property signposted);
 - f. On an exclusive bicycle lane; or
 - g. At any place where official traffic control devices prohibit standing or parking.

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 unless the County or Florida Department of Transportation establishes a different distance due to unusual circumstances; or
 - b. At any place where official signs prohibit parking.

Section 7. Certain Extended Parking Prohibited. It shall be unlawful for any person to park a vehicle or trailer for more than 48 hours continuously in the same location upon any street, highway, or County parking lot, where the parking time limit is not otherwise designated.

Section 8. Parking in Bus Stops and Taxicab Stands. It shall be unlawful for any person to stop, stand, or park a vehicle at any officially designated and appropriately marked bus stop or taxicab stand other than a bus at a bus stop or a taxicab at a taxicab stand.

Section 9. Parking of Trailers, Mobile Homes, or Motor Homes

A. It shall be unlawful for any person to park any of the following along or upon any of the public streets or highways or upon any County property:

1. Motor vehicles with a trailer attached;
2. Motor coaches;
3. Heavy trucks;
4. Travel trailers, camping trailers, park trailers, fifth-wheel trailers, semi-trailers, or any other kind of trailer, except as provided below in subsection C; and
5. Mobile homes or manufactured homes.

B. In an emergency situation, persons owning or operating a vehicle described above in subsection A may park or stop temporarily in front of any garage or filling station for the time actually engaged in taking on gasoline, oil or other fuels necessary for operation and propulsion of the vehicle; having necessary repairs made on tires, tubes and wheels; or, in the event of accident or breakdown, a reasonable time for the making of necessary emergency repairs.

C. This section shall not apply to vehicles and trailers parked on public property specifically designated for such parking. The parking of trailers shall be allowed on the right of way provided that the manner of parking is consistent with the provisions of Section 4 of this Ordinance.

D. This section shall not apply to any vehicle that is parked or left standing expressly for the purpose of actively loading or unloading if vision or traffic is not obstructed and no damage to the road or shoulder is reasonably likely to occur. For the purposes of this section, a reasonable amount of time shall be allowed for loading and unloading, the amount of which time is to be determined according to the nature and extent of the loading and unloading operation.

E. The County Administrator may designate areas that do not include or abut residential uses where vehicles regulated by this section may be parked or stored. Such designation shall be based on findings that no obstruction of vision or traffic flow, damage to the road or shoulder, or other negative impacts are reasonably likely to occur. A map indicating any such designated areas shall be kept on file with the Sheriff's Office and shall be available for public inspection.

Section 10. Placement of Parking Related Signs.

A. The County Administrator, or the County Administrator's designee, may designate No Parking areas along County roadways or upon County property by ordering the placement of signs in the designated areas indicating that no parking is permitted. Such designation may be made upon a reasonable determination that one or more of the following criteria apply:

1. Street or shoulder parking would impede traffic or create a safety hazard;

2. Street or shoulder parking would be reasonably likely to damage the roadway or shoulder beyond normal wear and tear;
3. Street or shoulder parking would interfere with the special nature of the roadway, including but not limited to scenic vistas, or use of the adjoining property;
4. Sufficient off-street parking is available and preferable to parking on the street or roadway; or
5. Street or shoulder parking would be detrimental to the public health, safety and welfare for any other reason.

B. All signs and markings used to regulate parking or traffic in accordance with this Ordinance shall be placed by officers or employees of St. Johns County or they shall be placed at locations approved by employees or officers of St. Johns County. The signs shall comply in shape, size and construction with regulations promulgated by the Florida Department of Transportation when such regulations are applicable.

C. When parking signs and other signs and markings are placed in position approximately conforming to the requirements of this Ordinance, such signs and markings shall be presumed to have been placed by the lawful act or direction of officers or employees of St. Johns County or other lawful authority unless the contrary shall be established by competent evidence.

D. Where a Traffic Enforcement Agreement is in effect, the placement of no parking signs shall be determined as a part of the required signed and sealed traffic engineering study. Such placement may be later reasonably modified by the County.

Section 11. Unattended Motor Vehicles.

It shall be unlawful for any person operating a motor vehicle to leave the vehicle unattended, without first having stopped the motor, locked the ignition, and removed the ignition key, or, when standing upon any perceptible grade, without setting the emergency brake.

Section 12. Impounding Vehicles Illegally Parked.

Law enforcement officers acting within their jurisdiction may impound any unoccupied vehicle parked in violation of this ordinance and to release such vehicle to its owner, subject to the payment of a court fine and any storage, towing, or other impounding charges.

Section 13. Ownership of Vehicle Prima Facie Evidence of Responsibility.

In any prosecution charging a violation of this ordinance, proof that the vehicle described in the complaint was stopped, parked or operated in violation of this ordinance, together with proof that the defendant named in the complaint was the registered owner of such vehicle at the

time of the alleged violation, shall be prima facie evidence that the defendant was the person who stopped, parked or operated the vehicle in violation of this ordinance. This presumption may be rebutted if the registered owner furnishes evidence to the appropriate law enforcement authorities that another person had custody or control of the vehicle at the time of the violation, including the name and address of the person who committed the violation. The registered owner of a vehicle shall not be responsible for any violation of this ordinance if, at the time of the violation, the vehicle was stolen or was in the custody or control of a person whom the registered owner had not authorized to use the vehicle.

Section 14. Parking Ticket Citations.

Every prosecution on any charge involving any violation of this Ordinance shall be by the issuance of a parking ticket citation, substantially in the following form:

PARKING TICKET NO. 000000
 ST. JOHNS COUNTY, FLORIDA

Date _____, 20____ TIME _____ A.M.
P.M.
 To _____
 Address _____
 Vehicle Tag
 Number _____ Year _____ State _____
 Make and
 Type Vehicle _____
 Parking
 Violation No. _____ Meter No. _____
 Location of Violation _____

VIOLATIONS LISTED BELOW MUST BE PAID ACCORDING TO SCHEDULE. FOR YOUR CONVENIENCE INSERT FINE IN THIS PREPAID ENVELOPE ATTACHED TO CITATION.

VIOLATION NUMBER	IF PAID WITHIN 30 DAYS DAYS	GREATER THAN 30 DAYS ADDITIONAL ADMINISTRATIVE FEE
1. Parking; violation (other than parking in Handicap Space)	\$30.00	\$20.00
2. Parking in Handicapped Space	\$175.00	\$75.00
3. Parking Violation of Beach Code	<u>1-7 Days</u> \$ 35.00	<u>8-15 Days</u> \$50.00

You are hereby ordered to appear or mail fine with citation to Clerk of the Courts, 4010 Lewis Speedway, St. Augustine, FL 32084. Make check or money order payable to Clerk of Courts.

Officer's Remarks: _____

YOUR FAILURE TO APPEAR OR PAY AS ABOVE INDICATED MAY SUBJECT YOU TO A HEARING AND A \$500.00 FINE, PLUS COSTS.

Inspector's name _____

PEEL TAPE OFF BACK, FOLD & SEAL

DO NOT MAIL CASH!

Section 15. Penalties.

A. Any person issued a County parking ticket by a parking enforcement specialist or law enforcement officer shall be deemed to be charged with a noncriminal violation and shall comply with the directions on the ticket. The fines shall be as set forth in Section 13 above but may be changed by resolution of the Board of County Commissioners. If payment is not received, or a response to the ticket is not made within the time period specified on the ticket, the County Court or its traffic violations bureau shall notify the cited vehicle's registered owner of the ticket by certified mail, or by service of notice by Sheriff's deputy. Upon receipt of the notification, the registered owner shall comply with the Court's directive.

B. Any person who fails to satisfy the court's directive, or any person who elects to appear before a designated official to present evidence, shall be deemed to have waived any right to the civil penalty provisions of the ticket. The court, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a fine not to exceed \$500.00 plus court costs. Failure to pay the fine within the time directed by the court shall constitute a separate civil infraction enforceable by the County Court in and for St. Johns County, Florida, as provided in Chapter 318, Florida Statutes. Each month that the original imposed fine remains unpaid shall constitute a separate offense.

Section 16. Law Enforcement and Emergency Vehicles.

All law enforcement and emergency vehicles, whether marked or unmarked, shall be exempt from the payment of any parking violation, penalty, or fine issued pursuant to this ordinance.

Section 17. Repeal.

A. Except as provided below, St. Johns County Ordinance No. 2006-58 is hereby repealed.

B. The Clerk of Court is instructed to remove Ordinance No. 2006-58 from the St. Johns County Code of Ordinances.

C. This section shall not affect the validity of any citation issued under Ordinance No. 2006-58 prior to the effective date of this ordinance.

Section 18. Conflict.

A. If the provisions of this ordinance conflict with any other County ordinance, or with state law, the stricter provision shall prevail except as provided below in subsection B.

B. Any parking regulation in a planned unit development ordinance or any other County ordinance intended to provide parking regulations for a specific area that are different than those set forth in this ordinance shall have precedence where there is specific conflict with this ordinance.

Section 19. Severability.


If any part or application of this ordinance is declared unconstitutional or otherwise invalid, it shall not affect the validity of any part or application of this ordinance not declared unconstitutional or otherwise invalid.

Section 20. Effective Date.

This Ordinance shall become effective upon a certified copy being filed with the Florida Department of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 5th day of May, 2015.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

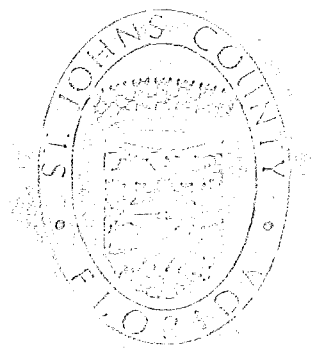
By: 
Priscilla L. Bennett, Chairman

Rendition Date: May 7, 2015

Effective Date: May 8, 2015

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk



THE ST. AUGUSTINE RECORD

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref.#: L1171-15
P.O.#: L1171-15

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **NICOLE CORRIVEAU**

who on oath says that he/she is an Employee of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a **NOTICE OF HEARING**

In the matter of **PARKING ORDINANCE - HEARING MAY 5, 2015**

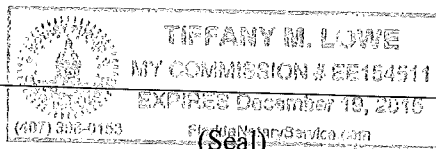
was published in said newspaper on **04/25/2015**

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this _____ day of APR 27 2015

by Nicole Corriveau who is personally known to me
or who has produced as identification

Tiffany M. Lowe
(Signature of Notary Public)



COPY NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, May 5, 2015, at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CREATING THE ST. JOHNS COUNTY PARKING ORDINANCE; PROVIDING SCOPE; PROVIDING DEFINITIONS; PROHIBITING THE PARKING OF VEHICLES IN FIRE LANES; REGULATING THE MANNER OF PARKING ON PUBLIC STREETS AND HIGHWAYS; PROHIBITING STOPPING, STANDING, OR PARKING IN SPECIFIED PLACES; PROHIBITING CERTAIN EXTENDED PARKING; PROHIBITING PARKING IN DESIGNATED BUS STOPS OR TAXICAB STANDS; REGULATING THE PARKING OF TRAILERS, MOBILE HOMES, AND MOTOR HOMES; PROVIDING FOR THE PLACEMENT OF PARKING RELATED SIGNS; REGULATING UNATTENDED MOTOR VEHICLES; AUTHORIZING IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES; PROVIDING THAT OWNERSHIP OF A VEHICLE IS PRIMA FACIE EVIDENCE OF RESPONSIBILITY FOR A VIOLATION OF THIS ORDINANCE; PROVIDING FOR PARKING TICKET CITATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR LAW ENFORCEMENT AND EMERGENCY VEHICLES; REPEALING ST. JOHNS COUNTY ORDINANCE 2006-58; PROVIDING FOR CONFLICTS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Yvonne King, Deputy Clerk
L1171-15 Apr 25, 2015



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 8, 2015

Ms. Cheryl Strickland
Secretary
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2015-30, which was filed in this office on May 8, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

FILED
2015 MAY -8 PM 12:36
OFFICE OF THE SECRETARY OF STATE
ST. AUGUSTINE, FLORIDA