

LAKE WALES

OFFICIAL CODE OF ORDINANCES

CHAPTER 20. TRAFFIC AND MOTOR VEHICLES

LAKE WALES
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Table of Contents

Article I. General Provisions

- § 20-1. Source of traffic regulations within the City of Lake Wales.
- § 20-2. Definitions.
- § 20-3. Obstruction of public streets, highways and roads.
- § 20-4. Cruising control ordinance.
- § 20-5. Operating of radios or other mechanical sound making devices or instruments in vehicles; exemptions; penalties (Repealed)

Article II. Parking

- § 20-11. Parking in business districts.
- § 20-12. Commercial vehicle parking in residential districts.
- § 20-13. Disabled parking regulations.
- § 20-14. Parking in residential districts.
- § 20-15. Additional parking regulations.
- § 20-16. Parking in fire lanes.
- § 20-17. Impoundment.

Article III. Sidewalks, Trails, Historic Downtown Marketplace, Parks And Parkways

- § 20-21. Driving on sidewalks.
- § 20-22. Driving on the trails.
- § 20-23. Driving on the historic downtown marketplace.
- § 20-24. Motor vehicles prohibited.
- § 20-25. Damage to sidewalks, to trails, to the historic downtown marketplace, and to the prohibited park or parkways.

Article IV. Bicycles, Skates, Skateboards, Etc.

- § 20-31. In general.
- § 20-32. Bicycles.
- § 20-33. Inline skating and skateboards.

Article V. All-Terrain Vehicles

- § 20-41. All-terrain vehicles.
 - § 20-42. Impounding of all-terrain vehicles.
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LAKE WALES

CHAPTER 20. TRAFFIC AND MOTOR VEHICLES

Article I. General Provisions

§ 20-1. Source of traffic regulations within the City of Lake Wales.

All traffic upon the public streets, highways, and roads of the City of Lake Wales shall be subject to the Florida Uniform Traffic Control Law, F.S. ch. 316, subject to the amendments or supplements contained in this chapter and the official traffic map of the city which is hereby adopted and is on file in the office of the city clerk. The official traffic map shall contain inscriptions designating limitations as to operation of bicycles, commercial motor vehicles, electric personal assistive mobility devices, farm tractors, golf carts, implements of husbandry, mopeds, motorized scooters, motor vehicles, motorcycles, road tractors, semitrailers, special mobile equipment, trailers, trucks, truck tractors, and vehicles upon certain public streets, highways, and roads, designating intersections, designating one-way streets, designating limitations on parking, designating school zones, designating the placement of official traffic control devices and signals, designating speed limits upon roadways, designating stop streets, and designating through streets. It is the express intent of the city commission that this map's inscriptions shall have the full force and effect of law as though set forth herein in full, and that this map shall constitute authority of the city police department in the erection of all traffic signs, markers, traffic lights and other traffic directions. The city manager, with the recommendation of the police chief, is authorized to temporarily amend the traffic map to protect the public health, safety or welfare on any public thoroughfare of the City of Lake Wales. Said temporary amendment shall be presented to the city commission for approval or disapproval at the next regularly scheduled commission meeting. A temporary street closing for repairs, flooding, traffic accidents or the like shall not require an amendment of the traffic map.

(Ord. No. 2005-21, § 1, 6-21-05; Ord. No. 2005-46, § 1, 10-4-05)

§ 20-2. Definitions.

Whenever in this article the following terms are used, they shall have the meanings ascribed as follows:

Authorized emergency vehicles means vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, the department of environmental protection, the department of health, and the department of transportation as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the various counties.

Authorized government vehicles means vehicles of the city as are designated or authorized by their respective department or the city manager.

Bicycle means every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than twenty (20) miles per hour on level ground upon which any person may ride, having two (2) tandem wheels, and including any device generally recognized as a bicycle though equipped with two (2) front or two (2) rear wheels. The term does not include such a vehicle with a seat height of no more than twenty-five (25) inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. No person under the age of sixteen (16) may operate or ride upon a motorized bicycle.

Bicycle path means any road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.

Business district means the territory contiguous to, and including, a highway when fifty (50) percent or more of the frontage thereon, for a distance of three hundred (300) feet or more, is occupied by buildings in use for business.

Commercial motor vehicle means any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:

- (a) Has a gross vehicle weight rating of ten thousand (10,000) pounds or more;
- (b) Is designed to transport more than fifteen (15) passengers, including the driver; or
- (c) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. § 1801 et seq.).

Driver means any person who drives or is in actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.

Electric personal assistive mobility device means any self-balancing, two-nontandem-wheeled device, designed to transport only one (1) person, with an electric propulsion system with average power of seven hundred fifty (750) watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs one hundred seventy (170) pounds, is less than twenty (20) miles per hour. Electric personal assistive mobility devices are not vehicles as defined in this section.

Farm tractor means any motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Golf cart means a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.

Gross weight means the weight of a vehicle without load plus the weight of any load thereon.

Implement of husbandry means any vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

Intersection means:

(a) The area embraced within the prolongation or connection of the lateral curblines; or, if none, then the lateral boundary lines of the roadways of two (2) 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 (2) roadways thirty (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 (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

Laned highway means a highway the roadway of which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Law enforcement officer means any municipal police officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Moped means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels; with a motor rated not in excess of 2-brake horsepower and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground; and with a power-drive system that functions directly or automatically without clutching or shifting years by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed fifty (50) cubic centimeters.

Motorized scooter means any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three (3) wheels, and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground.

Motor vehicle means any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped.

Motorcycle means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or a moped.

Official traffic control devices means all signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

Official traffic control signal means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Operator means any person who is in actual physical control of a motor vehicle upon the highway, or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner means 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 a vehicle is entitled to possession, then such conditional vendee, or lessee, or mortgagor shall be deemed the owner, for the purposes of this chapter.

Park or parking means 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 under this chapter.

Pedestrian means any person afoot.

Person means any natural person, firm, copartnership, association, or corporation.

Police department means the City of Lake Wales Police Department.

Road tractor means any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

Residence district means the territory contiguous to, and including, a highway, not comprising a business district, when the property on such highway, for a distance of three hundred (300) feet or more, is, in the main, improved with residences or residences and buildings in use for business.

Right-of-way means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

Roadway means 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 (2) or more separate roadways, the term "roadway" as used herein refers to any such roadway separately, but not to all such roadways collectively.

Semitrailer means any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

Special mobile equipment means any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Stand or standing means 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 under this chapter.

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 traffic control sign or signal.

Street or highway means:

- (a) 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;

(b) The entire width between the boundary lines of any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons, or any limited access road owned or controlled by a special district, whenever, by written agreement entered into under F.S. 316.006(2)(b) or (3)(b), a county or municipality exercises traffic control jurisdiction over said way or place;

(c) Any area, such as a runway, taxiway, ramp, clear zone, or parking lot, within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision, which area is used for vehicular traffic but which is not open for vehicular operation by the general public; or

(d) Any way or place used for vehicular traffic on a controlled access basis within a mobile home park recreation district which has been created under F.S. § 418.30 and the recreational facilities of which district are open to the general public.

Traffic means pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances either singly or together while using any street or highway for purposes of travel.

Trailer means any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle.

Through highway means any highway or portion thereof on which vehicular traffic is given the right-of-way and at the entrances to which vehicular traffic from intersecting highways is required to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or yield sign, or otherwise in obedience to law.

Truck means any motor vehicle designed, used, or maintained primarily for the transportation of property.

Truck tractor means any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle means every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(Ord. No. 2005-21, § 1, 6-21-05)

§ 20-3. Obstruction of public streets, highways and roads.

Effective: Tuesday, June 07, 2022

(a) 1. A person shall not obstruct or prevent the free use of sidewalks or crosswalks by other persons.

2. A person shall not willfully obstruct the free, convenient, and normal use of a public roadway by:

- a. Impeding, hindering, stifling, retarding, or restraining traffic or passage thereon;
- b. Standing, sitting, walking, running, or otherwise remaining in the roadway; or
- c. Endangering the safe movement of vehicles or pedestrians traveling thereon.

3. A person may not stand, sit, lie, walk upon, or stay for any purpose in between two parallel motor vehicle travel lanes. This prohibition does not prohibit a person from lawfully crossing a street.

4. This Section does not prohibit persons from doing the following:

a. Delivering or offering to deliver a tangible thing to an occupant of a motor vehicle or receiving a tangible thing from an occupant of a motor vehicle at a legal stop in a travel lane when the person is on the side of the vehicle that is closest to the edge of the roadway and the vehicle is located in one of the following locations:

- i. On a one.way street with only one travel lane, and the vehicle is located in the travel lane;
- ii. On a one.way street with two or more lanes of travel, and the vehicle is located in the travel lane that is rightmost or leftmost from the driver's viewpoint; or
- iii. On a two.way street with two or more lanes of travel, and the vehicle is located in the travel lane that is the rightmost from the driver's viewpoint.
- iv. In all interactions with motor vehicles in the rightmost travel lane, the person must stay on the rightmost side of the vehicle during the interaction.

(b) This prohibition shall not apply to the following persons:

1. Government law enforcement officers, fire rescue, or other government employees acting within the scope of their governmental employment and/or authority;
2. A person conducting legally authorized collection of solid waste or recyclable or recovered materials, construction work, or maintenance work, or other legally authorized work;
3. A person responding to an emergency, such as medical personnel, roadside assistance, or towing and recovery personnel; or
4. A person instructed to stand in the traffic separator by law enforcement personnel or fire rescue personnel.

(c) Nothing in this section shall be construed to inhibit political campaigning on the public right-of-way or to require a permit for such activity.

(d) Notwithstanding the provisions of subsection (a), any commercial vehicle used solely for the purpose of collecting solid waste or recyclable or recovered materials may stop or stand on any public street, highway, or road for the sole purpose of collecting solid waste or recyclable or recovered materials. However, such solid waste or recyclable or recovered materials collection vehicle shall show or display amber flashing hazard lights at all times that it is engaged in stopping or standing for the purpose of collecting solid waste or recyclable or recovered materials.

(e) Notwithstanding the provisions of subsection (a), any commercial vehicle used solely for the purpose of collecting or delivering persons or property may stop or stand on any public street, highway, or road for the sole purpose of collecting or delivering persons or property. However, such commercial vehicle shall show or display amber flashing hazard lights at all times that it is engaged in stopping or standing for the purpose of collecting or delivering persons or property.

(f) Notwithstanding the provisions of subsection (a), any vehicle of the U.S. Postal Service used solely for the purpose of collecting or delivering mail may stop or stand on any public street, highway, or road for the sole purpose of collecting or delivering mail. However, such vehicle shall show or display amber flashing hazard lights at all times that it is engaged in stopping or standing for the purpose of collecting or delivering mail.

(g) Any person or persons who violate the provisions of this section, upon conviction, shall be punished as set forth in F.S. ch. 316 and ch. 318.

(Ord. No. 2005-21, § 1, 6-21-05; Ord. No. 2022-17, § 1&2, 6-07-22)

§ 20-4. Cruising control ordinance.

(a) This section shall be known as the Lake Wales Cruising Control Ordinance.

(b) Definitions. Whenever in this section the following terms are used, they shall have the meanings ascribed as follows:

Congested traffic. Traffic on any public street, highway, or road which is delayed to the point that:

(1) Motor vehicles back up in any direction for more than one (1) block restricting vehicular movement on any public street, highway, or road where the delay in forward movement is due to the position of other motor vehicles; or

(2) Motor vehicles cannot readily move forward on portions of a public street, highway, or road between intersections with other public streets, highways, or roads because the average traffic speed has dropped to less than fifteen (15) mph, where the delay in forward movement is due to the position of other motor vehicles.

Cruising. The unnecessary repetitive driving of a motor vehicle on a designated public street, highway, or road past the same traffic control point three (3) or more times during restricted hours, upon a designated public street, highway, or road with posted signs, constituting official traffic control devices, informing the public that the public street, highway, or road is subject to regulation under the Lake Wales Cruising Control Ordinance and that said regulation is in effect.

Designated street . Any public street, highway, or road designated as a no cruising area pursuant to this section provided that the public street, highway, or road is under the control or maintenance of the city. Any public street, highway, or road so designated shall be clearly marked with signs constituting an official traffic control device, advising the public that the public street, highway, or road is subject to such regulation.

Traffic control point. A clearly identified reference point on a designated public street, highway, or road, as determined and marked by an official traffic control device posted at the direction of the city commission or their designee.

Official traffic control devices. All signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

Restricted hours. The days and times that cruising is prohibited, specifically between the hours of 8:00 p.m. Friday until 4:00 a.m. Saturday, between the hours of 8:00 p.m. Saturday until 4:00 a.m. Sunday, and between the hours of 8:00 p.m. Sunday until 4:00 a.m. Monday.

Restricted area. Any public street, highway, or road designated by the city commission or their designee as a "no cruising area" and that is within the City of Lake Wales.

(c) It is unlawful for any person to engage in unnecessary repetitive driving, also known as cruising as defined herein, while operating a motor vehicle, and no owner of a motor vehicle shall permit another to engage in the cruising while operating a motor vehicle under his or her care, custody, and control, after notice as described in the section herein below.

(d) Notice of violation.

(1) Upon observation that a motor vehicle has been operated on a designated and posted public street, highway, or road past the same traffic control point in excess of three (3) or more times during restricted hours, a law enforcement shall stop the motor vehicle for the purpose of giving notice to the operator and to each passenger in the vehicle. The notice, which may be verbal or in writing, shall inform the operator and passengers that this section is in effect and that a subsequent operation of the vehicle past any traffic control point during the restricted hours after the initial observation of the vehicle shall constitute a violation of this section. The notice shall include a brief and general description of the designated public street, highway, or road and a description of the fine that may be imposed upon conviction.

(2) At the time a motor vehicle is stopped and given notice as described in this section, and at the time a motor vehicle is stopped after giving notice, and prior to issuing a uniform traffic citation to the operator of the motor vehicle, the officer shall afford the operator or a passenger in the motor vehicle an opportunity to explain his or her conduct. No person shall be convicted for violating section 20-4(b) or F.S. § 316.074(1) if it appears at trial that the explanation given was true and disclosed a lawful purpose. Refusal by the person to explain his or her conduct to the officer shall not be deemed an element of the offense or evidence establishing probable cause that the person has violated this section.

(e) Enforcement. The operation of a motor vehicle past the same traffic control point where a posted official traffic control device prohibits cruising, after issuance of the notice described herein, constitutes a violation of 20-4(b) as well as F.S. § 316.074(1). A uniform traffic citation for violation of F.S. § 316.074(1) shall be issued to the actual operator of the motor vehicle at the time the offense occurs. It shall be immaterial whether the operator of the motor vehicle at the time the offense occurs actually operated the motor vehicle each time it passes the traffic control point.

(f) Penalties. All penalties for the violation of 20-4(b) or F.S. § 316.074(1) shall be in accordance with the provisions of F.S. ch. 316 and ch. 318.

(g) Exclusions. The provisions of this section shall not apply to the following:

- (1) Any authorized emergency vehicle when operated in an official capacity; or
- (2) Any authorized government vehicle when operated in official capacity; or
- (2) Any licensed public transportation vehicle, vehicle for hire, or any other vehicle utilized for business or commercial purposes, when actually operated for such purposes.

(h) Designation of streets. The city commission authorizes the city manager or his or her designee to designate a public street, highway, or road as a no cruising area based upon a prior determination that a state of congested traffic has been demonstrated to occur during restricted hours. Such designation shall include any portion of the public street, highway, or road within which the congested traffic condition is demonstrated to exist. Upon the designation of a public street; highway, or road as a no cruising area, the city manager or his or her designee shall direct the placement of official traffic control devices providing notice to the public, and shall establish one (1) or more traffic control points to identify the vehicles being operated upon the designated public street, highway, or road.

(Ord. No. 2005-21, § 1, 6-21-05)

§ 20-5. Operating of radios or other mechanical sound making devices or instruments in vehicles; exemptions; penalties (Repealed)

Effective: Wednesday, April 08, 2015

(Ord. No. 2011-13, § 2, 8-16-11; Repealed by Ord. No. 2015-03, § 2, 4-8-15)

Article II. Parking

§ 20-11. Parking in business districts.

(a) *Designation of timed parking spaces.* The city manager is hereby authorized and directed to designate timed parking spaces upon the public streets, highways, or roads and property owned, leased or otherwise used by the city. This designation shall include the hours of enforcement.

(b) *Signs.* The city manager shall direct the placement of signs designating the time limits for parking. The placement of these signs shall be considered reasonable notice for such parking limitations.

(c) *Parking time limits.* It shall be unlawful for any owner, operator, or person to cause or permit a vehicle to be parked within a timed parking space beyond the posted time limitation designated by the city manager. A separate notice of violation for overtime parking shall be issued for each time period during which a violation occurs in a 24-hour period. By a majority vote, the city commission shall have the right to increase or decrease the length of time designated by the city manager for particular locations within the city.

(d) *Penalties.*

(1) First through fourth violation in a twelve-month period. A violation of the overtime parking regulations contained in this section shall be subject to a fine in the amount of twenty-five dollars (\$25.00) for the first through fourth violation in a twelve-month period if paid within ten (10) days from the date a notice of the violation is placed upon the vehicle by a law enforcement or parking enforcement officer. The violation shall be subject to a fine of fifty dollars (\$50.00) if paid more than ten (10) days after the time when such notice was attached to the vehicle, but not later than thirty (30) days following the attachment of the notice. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice shall contain directions as to the procedure for paying the fine or obtaining a hearing.

(2) In excess of four violations in a twelve-month period. A violation of the overtime parking regulations contained in this section shall be subject to a fine in the amount of fifty dollars (\$50.00) for each violation in excess of four (4) violations in a twelve-month period if paid within ten (10) days from the date a notice of the violation is placed upon the vehicle by a law enforcement or parking enforcement officer. The violation shall be subject to a fine of one hundred dollars (\$100.00) if paid more than ten (10) days after the time when such notice was attached to the vehicle, but not later than thirty (30) days following the attachment of the notice. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice shall contain directions as to the procedure for paying the fine or obtaining a hearing.

[(e) *Reserved.*]

(f) *Waiver of fine.* Any fine that may be assessed in the enforcement of the provisions of this section may be waived for extraordinary or extenuating circumstances as determined by the chief of police or his or her designee. A copy of the notice of violation and a written explanation of the reason for the waiver shall be filed with the official records of the city clerk within twenty-four (24) hours after granting the waiver.

(Ord. No. 2005-21, § 1, 6-21-05)

§ 20-12. Commercial vehicle parking in residential districts.

(a) *Prohibition.* It shall be unlawful to park overnight or leave unattended during the day any commercial vehicle in a residential district of this city. This prohibition shall not include those commercial collecting or delivering persons or property in the normal course of business, any authorized emergency vehicle when operated in an official capacity, and shall also not include those commercial vehicles parking in accordance with the terms of subsection (b) below.

(b) *Designated parking area.* The city commission may designate a city parking lot that can be used for the overnight parking and weekend parking of commercial vehicles. The use of the designated parking lot for this purpose is confined to the following hours:

(1) From 6:00 p.m. on Friday until 7:00 a.m. the following Monday.

(2) On weeknights from 6:00 p.m. until 7:00 a.m. the following morning. The city assumes no liability for the safety of any vehicle or its contents parked under the terms of this section. No commercial vehicle shall be left unattended in the designated parking area beyond the hours set forth above.

(3) Upon application by the property owner, parking of a commercial vehicle on private property in a residential district may be approved by the board of appeals following the same public notice requirements provided in section 23-361 for approval of a special exception use. The board of appeals, after receiving a recommendation from the planning and zoning board, shall approve or disapprove the application. In considering any application for private parking of a commercial vehicle in a residential district, the board of appeals shall consider the nature of the neighborhood, duration of the parking use, and the complaints or concerns of the surrounding residents. In approving the application, the board of appeals may attach such terms as it deems necessary to address the concerns of the surrounding residents. The board of appeals may revoke any approval given under this subsection at any time upon a finding by the code enforcement board that the terms of such approval have been violated. Fees required by section 23-320 for review of a special exception use shall apply to applications for commercial parking in a residential district except that applications on file with the city clerk before February 1, 2003 shall be exempt from such fees.

(c) *Penalties.*

(1) First through fourth violation in a twelve-month period. A violation of the commercial vehicle parking regulations contained in this section shall be subject to a fine in the amount of twenty-five dollars (\$25.00) for the first through fourth violation in a twelve-month period if paid within ten (10) days from the date a notice of the violation is placed upon the vehicle by a code enforcement, law enforcement or parking enforcement specialist. The violation shall be subject to a fine of fifty dollars (\$50.00) if paid more than ten (10) days after the time when such notice was attached to the vehicle, but not later than thirty (30) days following the attachment of the notice. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice shall contain directions as to the procedure for paying the fine or obtaining a hearing.

(2) In excess of four (4) violations in a twelve-month period. A violation of the commercial vehicle parking regulations contained in this section shall be subject to a fine in the amount of fifty dollars (\$50.00) for each violation in excess of four (4) violations in a twelve-month period if paid within ten (10) days from the date a notice of the violation is placed upon the vehicle by a code enforcement, law enforcement or parking enforcement specialist. The violation shall be subject to a fine of one hundred dollars (\$100.00) if paid more than ten (10) days after the time when such notice was attached to the vehicle, but not later than thirty (30) days following the attachment of the notice. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice shall contain directions as to the procedure for paying the fine or obtaining a hearing.

(d) *Waiver of fine.* Any fine that may be assessed in the enforcement of the provisions of this section may be waived for extraordinary or extenuating circumstances as determined by the chief of police or his or her designee. A copy of the notice of violation and a written explanation of the reason for the waiver shall be filed with the official records of the city clerk within twenty-four (24) hours after granting the waiver.

(e) *Code enforcement.* Any person being the owner, lessee, manager, custodian or person in charge of real property violating the requirements of this section shall be subject to the code enforcement procedures and penalties in accordance with Chapter 12 of this Code.

(Ord. No. 2005-21, § 1, 6-21-05)

§ 20-13. Disabled parking regulations.

(a) *Prohibitions.*

(1) It is unlawful for any person to stop, stand, or park a vehicle within, or to obstruct, any such specially designated and marked parking space provided in accordance with F.S. § 553.5041, unless the vehicle displays a disabled parking permit issued under F.S. § 316.1958 or F.S. § 320.0848 or a license plate issued under F.S. § 320.084, F.S. § 320.0842, F.S. § 320.0843, or F.S. § 320.0845 and the vehicle is transporting the person to whom the displayed permit is issued. The violation may not be dismissed for failure of the marking on the parking space to comply with F.S. § 553.5041 if the space is in general compliance and is clearly distinguishable as a designated accessible parking space for people who have disabilities. Only a warning may be issued for unlawfully parking in a space designated for persons with disabilities if there is no above-grade sign as provided in F.S. § 553.5041.

(2) Whenever a law enforcement officer, a parking enforcement specialist, or the owner or lessee of the space finds a vehicle in violation of this subsection, that officer, owner, or lessor shall have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever any vehicle is removed under this section to a storage lot, garage, or other safe parking space, the cost of the removal and parking constitutes a lien against the vehicle.

(3) A law enforcement officer or a parking enforcement specialist has the right to demand to be shown the person's disabled parking permit and driver's license or state identification card when investigating the possibility of a violation of this section. If such a request is refused, the person in charge of the vehicle may be charged with resisting an officer without violence, as provided in F.S. § 843.02.

(4) It is unlawful for any person to obstruct the path of travel to an accessible parking space, curb cut, or access aisle 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.

(5) 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. A penalty may not be imposed upon the driver for such temporary standing.

(b) *Penalties.* If a vehicle is found to be in violation of these regulations, a law enforcement officer or parking enforcement specialist shall place a written notice of violation upon such vehicle notifying the owner, operator, or person of the violation and instructing the owner, operator, or person to pay, within thirty (30) days after the time the notice is attached to the vehicle, the mandatory fine of one hundred dollars (\$100.00) to the police department in full satisfaction of the violation. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice of violation shall contain directions as to the procedure for paying the fine or obtaining a hearing.

(c) *Dismissal of fine.* Any owner, operator, or person issued a notice of violation who has failed to properly display an approved and valid special license plate or parking permit may have the fine of one hundred dollars (\$100.00) dismissed by presenting the approved and valid special license plate or parking permit to the police department and paying a five dollar (\$5.00) administrative dismissal fee.

(Ord. No. 2005-21, § 1, 6-21-05)

§ 20-14. Parking in residential districts.

(a) *Prohibition.* It shall be unlawful to park overnight or leave unattended during the day any commercial motor vehicle, farm tractor, golf cart, implement of husbandry, moped, motorized scooter, motor vehicle, motorcycle, road tractor, semitrailer, special mobile equipment, trailer, truck, truck tractor, or vehicle on a public street, highway, or road in a residential district of this city that obstructs the free, convenient, and normal use of the public street, highway, or road by impeding, hindering, stifling, retarding, or endangering the safe movements of traffic or pedestrians therein. The provisions of this section shall not apply to any authorized emergency vehicle when operated in an official capacity.

(b) *Penalties.*

(1) First through fourth violation in a twelve-month period. A violation of the residential parking regulations contained in this section shall be subject to a fine in the amount of twenty-five dollars (\$25.00) for the first through fourth violation in a twelve-month period if paid within ten (10) days from the date a notice of the violation is placed upon the vehicle by a law enforcement or parking enforcement specialist. The violation shall be subject to a fine of fifty dollars (\$50.00) if paid more than ten (10) days after the time when such notice was attached to the vehicle, but not later than thirty (30) days following the attachment of the notice. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice shall contain directions as to the procedure for paying the fine or obtaining a hearing.

(2) In excess of four violations in a twelve-month period. A violation of the residential parking regulations contained in this section shall be subject to a fine in the amount of fifty dollars (\$50.00) for each violation in excess of four (4) violations in a twelve-month period if paid within ten (10) days from the date a notice of the violation is placed upon the vehicle by a law enforcement or parking enforcement specialist. The violation shall be subject to a fine of one hundred dollars (\$100.00) if paid more than ten (10) days after the time when such notice was attached to the vehicle, but not later than thirty (30) days following the attachment of the notice. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice shall contain directions as to the procedure for paying the fine or obtaining a hearing.

(c) *Waiver of fine.* Any fine that may be assessed in the enforcement of the provisions of this section may be waived for extraordinary or extenuating circumstances as determined by the chief of police or his or her designee. A copy of the notice of violation and a written explanation of the reason for the waiver shall be filed with the official records of the city clerk within twenty-four (24) hours after granting the waiver.

(Ord. No. 2005-21, § 1, 6-21-05)

§ 20-15. Additional parking regulations.

(a) Prohibition. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a law enforcement officer or official traffic control device, it shall be unlawful to:

(b) Park or stop any commercial motor vehicle, farm tractor, golf cart, implement of husbandry, moped, motorized scooter, motor vehicle, motorcycle, road tractor, semitrailer, special mobile equipment, trailer, truck, truck tractor, or vehicle:

- (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (2) Within an intersection.
- (3) On a crosswalk.
- (4) Upon or under any bridge or other elevated structure.
- (5) On any railroad tracks.
- (6) Opposite the direction of authorized traffic movement.
- (7) Against any yellow curb.
- (8) At any place where official traffic control devices prohibit parking or stopping.

(c) Park or stop a vehicle or trailer except momentarily to collect or deliver persons or property:

- (1) In front of a public or private driveway.
- (2) Within thirty (30) feet of a mailbox between the hours of 8:00 a.m. and 6:00 p.m.
- (3) Within thirty (30) feet of a fire hydrant.
- (4) Within thirty (30) feet of a crosswalk at an intersection.

(5) Within thirty (30) feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway.

(6) Within thirty (30) feet of the driveway entrance to any fire station or police station.

(7) On an exclusive bicycle lane.

(8) At any place where official traffic control devices prohibit parking or stopping.

(d) *Penalties.* A violation of the parking regulations contained in this section shall be subject to a fine in the amount of twenty-five dollars (\$25.00) if paid within ten (10) days from the date a notice of the violation is placed upon the vehicle by a law enforcement or parking enforcement specialist. The violation shall be subject to a fine of fifty dollars (\$50.00) if paid more than ten (10) days after the time when such notice was attached to the vehicle, but not later than thirty (30) days following the attachment of the notice. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice shall contain directions as to the procedure for paying the fine or obtaining a hearing.

(e) *Waiver of fine.* Any fine that may be assessed in the enforcement of the provisions of this section may be waived for extraordinary or extenuating circumstances as determined by the chief of police or his or her designee. A copy of the notice of violation and a written explanation of the reason for the waiver shall be filed with the official records of the city clerk within twenty-four (24) hours after granting the waiver.

(Ord. No. 2005-21, § 1, 6-21-05)

§ 20-16. Parking in fire lanes.

(a) *Prohibition.* It shall be unlawful to park or stop any commercial motor vehicle, farm tractor, golf cart, implement of husbandry, moped, motorized scooter, motor vehicle, motorcycle, road tractor, semitrailer, special mobile equipment, trailer, truck, truck tractor, or vehicle in a designated fire lane. The provisions of this section shall not apply to any authorized emergency vehicle when operated in an official capacity.

(b) *Penalties.* A violation of the fire lane parking regulations contained in this section shall be subject to a fine in the amount of twenty-five dollars (\$25.00) if paid within ten (10) days from the date a notice of the violation is placed upon the vehicle by a law enforcement or parking enforcement specialist. The violation shall be subject to a fine of fifty dollars (\$50.00) if paid more than ten (10) days after the time when such notice was attached to the vehicle, but not later than thirty (30) days following the attachment of the notice. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice shall contain directions as to the procedure for paying the fine or obtaining a hearing.

(c) *Waiver of fine.* Any fine that may be assessed in the enforcement of the provisions of this section may be waived for extraordinary or extenuating circumstances as determined by the chief of police or his or her designee. A copy of the notice of violation and a written explanation of the reason for the waiver shall be filed with the official records of the city clerk within twenty-four (24) hours after granting the waiver.

(Ord. No. 2005-21, § 1, 6-21-05)

§ 20-17. Impoundment.

(a) *Public streets, highways, and roads.* A law enforcement officer may cause to be removed at the owner's expense any commercial motor vehicle, farm tractor, golf cart, implement of husbandry, moped, motorized scooter, motor vehicle, motorcycle, road tractor, semitrailer, special mobile equipment, trailer, truck, truck tractor, or vehicle parked on a public street, highway, or road if said commercial motor vehicle, farm tractor, golf cart, implement of husbandry, moped, motorized scooter, motor vehicle, motorcycle, road tractor, semitrailer, special mobile equipment, trailer, truck, truck tractor, or vehicle obstructs the free, convenient, and normal use of the public street, highway, or road by impeding, hindering, stifling, retarding, or endangering the safe movement of traffic or pedestrians therein.

(b) *Public rights-of-way.*

(1) A law enforcement officer may cause to be removed at the owner's expense, after written notice, any commercial motor vehicle, farm tractor, golf cart, implement of husbandry, moped, motorized scooter, motor vehicle, motorcycle, road tractor, semitrailer, special mobile equipment, trailer, truck, truck tractor, or vehicle parked or stored on the public right-of-way for a continuous period in excess of forty-eight (48) hours, in other than designated parking areas, and is within thirty (30) feet of the pavement edge.

(2) A law enforcement officer may cause to be removed at the owner's expense, after written notice, any commercial motor vehicle, farm tractor, golf cart, implement of husbandry, moped, motorized scooter, motor vehicle, motorcycle, road tractor, semitrailer, special mobile equipment, trailer, truck, truck tractor, or vehicle parked or stored on the public right-of-way for a continuous period in excess of ten (10) days, in other than designated parking areas, and is more than thirty (30) feet from the pavement edge. The police department shall be required to report same to the Florida Department of Highway Safety and Motor Vehicles within twenty-four (24) hours of such removal.

(c) *Public parking lots and public property.* A law enforcement officer may cause to be removed at the owner's expense, after written notice, any commercial motor vehicle, farm tractor, golf cart, implement of husbandry, moped, motorized scooter, motor vehicle, motorcycle, road tractor, semitrailer, special mobile equipment, trailer, truck, truck tractor, or vehicle parked or stored on property owned, leased or otherwise used by the city for public parking for a continuous period in excess of forty-eight (48) hours.

(Ord. No. 2005-21, § 1, 6-21-05)

**Article III. Sidewalks, Trails, Historic Downtown Marketplace, Parks
And Parkways**

§ 20-21. Driving on sidewalks.

(a) *Prohibition.* It shall be unlawful to drive, move, or operate any commercial motor vehicle, farm tractor, golf cart, implement of husbandry, moped, motorized scooter, motor vehicle, motorcycle, road tractor, semitrailer, special mobile equipment, trailer, truck, truck tractor, or vehicle upon any sidewalk in the city. The provisions of this section shall not apply to any electronic personal assistive mobility device, any authorized emergency vehicle when operated in an official capacity, any authorized police bicycle when operated in an official capacity, or any authorized government vehicle when operated in an official capacity.

(b) *Penalties.* A violation of the regulations contained in this section shall be subject to a fine in the amount of twenty-five dollars (\$25.00) if paid within ten (10) days from the date a notice of the violation is was issued by a law enforcement officer. The violation shall be subject to a fine of fifty dollars (\$50.00) if paid more than ten (10) days after the time when such notice was issued, but not later than thirty (30) days following the issuance of the notice. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice shall contain directions as to the procedure for paying the fine or obtaining a hearing.

(c) *Waiver of fine.* Any fine that may be assessed in the enforcement of the provisions of this section may be waived for extraordinary or extenuating circumstances as determined by the chief of police or his or her designee. A copy of the notice of violation and a written explanation of the reason for the waiver shall be filed with the official records of the city clerk within twenty-four (24) hours after granting the waiver.

(Ord. No. 2005-21, § 1, 6-21-05)

§ 20-22. Driving on the trails.

(a) *Prohibition.* It shall be unlawful to drive, move, or operate any commercial motor vehicle, farm tractor, implement of husbandry, moped, motorized scooter, motor vehicle, motorcycle, road tractor, semitrailer, special mobile equipment, trailer, truck, truck tractor, or vehicle upon a public trail. The provisions of this section shall not apply to any bicycle, any electronic personal assistive mobility device, any authorized emergency vehicle when operated in an official capacity, or any authorized government vehicle when operated in an official capacity.

(b) *Penalties.* A violation of the regulations contained in this section shall be subject to a fine in the amount of twenty-five dollars (\$25.00) if paid within ten (10) days from the date a notice of the violation is was issued by a law enforcement officer. The violation shall be subject to a fine of fifty dollars (\$50.00) if paid more than ten (10) days after the time when such notice was issued, but not later than thirty (30) days following the issuance of the notice. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice shall contain directions as to the procedure for paying the fine or obtaining a hearing.

(c) *Waiver of fine.* Any fine that may be assessed in the enforcement of the provisions of this section may be waived for extraordinary or extenuating circumstances as determined by the chief of police or his or her designee. A copy of the notice of violation and a written explanation of the reason for the waiver shall be filed with the official records of the city clerk within twenty-four (24) hours after granting the waiver.

(Ord. No. 2005-21, § 1, 6-21-05)

§ 20-23. Driving on the historic downtown marketplace.

(a) *Prohibition.* It shall be unlawful to drive, move, or operate any commercial motor vehicle, farm tractor, implement of husbandry, moped, motorized scooter, motor vehicle, motorcycle, road tractor, semitrailer, special mobile equipment, trailer, truck, truck tractor, or vehicle upon the paved area in the historic downtown known as the marketplace. For the purpose of this section, this area includes all areas surfaced in concrete and bricks but excludes the area surfaced in asphalt that is a portion of the alleyway between Park Avenue and Stuart Avenue. The provisions of this section shall not apply to any electronic personal assistive mobility device, any authorized emergency vehicle when operated in an official capacity, any authorized police bicycle when operated in an official capacity, or any authorized government vehicle when operated in an official capacity.

(b) *Penalties.* A violation of the regulations contained in this section shall be subject to a fine in the amount of twenty-five dollars (\$25.00) if paid within ten (10) days from the date a notice of the violation is was issued by a law enforcement officer. The violation shall be subject to a fine of fifty dollars (\$50.00) if paid more than ten (10) days after the time when such notice was issued, but not later than thirty (30) days following the issuance of the notice. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice shall contain directions as to the procedure for paying the fine or obtaining a hearing.

(c) *Waiver of fine.* Any fine that may be assessed in the enforcement of the provisions of this section may be waived for extraordinary or extenuating circumstances as determined by the chief of police or his or her designee. A copy of the notice of violation and a written explanation of the reason for the waiver shall be filed with the official records of the city clerk within twenty-four (24) hours after granting the waiver.

(Ord. No. 2005-21, § 1, 6-21-05)

§ 20-24. Motor vehicles prohibited.

(a) *Prohibition.* It shall be unlawful for any owner, operator, or person to violate the inscriptions on the city traffic map that prohibits motor vehicles in areas designated as parks or parkways. The provisions of this section shall not apply to any authorized emergency vehicle when operated in an official capacity or any authorized government vehicle when operated in an official capacity.

(b) *Penalties.* A violation of the regulations contained in this section shall be subject to a fine in the amount of twenty-five dollars (\$25.00) if paid within ten (10) days from the date a notice of the violation is was issued by a law enforcement officer. The violation shall be subject to a fine of fifty dollars (\$50.00) if paid more than ten (10) days after the time when such notice was issued, but not later than thirty (30) days following the issuance of the notice. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice shall contain directions as to the procedure for paying the fine or obtaining a hearing.

(c) *Waiver of fine.* Any fine that may be assessed in the enforcement of the provisions of this section may be waived for extraordinary or extenuating circumstances as determined by the chief of police or his or her designee. A copy of the notice of violation and a written explanation of the reason for the waiver shall be filed with the official records of the city clerk within twenty-four (24) hours after granting the waiver.

(Ord. No. 2005-21, § 1, 6-21-05)

§ 20-25. Damage to sidewalks, to trails, to the historic downtown marketplace, and to the prohibited park or parkways.

Any person driving, moving, operating, or parking any commercial motor vehicle, farm tractor, implement of husbandry, moped, motorized scooter, motor vehicle, motorcycle, road tractor, semitrailer, special mobile equipment, trailer, truck, truck tractor, or vehicle upon any sidewalk, trail, the historic downtown marketplace, or prohibited park or parkway shall be liable for all damages and costs incurred by the city which may occur as a result of driving, moving operating, or parking such vehicle. Whenever the driver is not the owner of the vehicle, then the owner and the driver shall be jointly and severally liable for any damage. The city is authorized to pursue and shall pursue all legal means to collect monies due for damages.

(Ord. No. 2005-21, § 1, 6-21-05)

Article IV. Bicycles, Skates, Skateboards, Etc.

§ 20-31. In general.

All traffic upon the public streets, highways, roads, sidewalks, the Lake Wales Trail, the historic downtown marketplace, the parks and the parkways of the City of Lake Wales shall be subject to the Florida Uniform Traffic Control Law, Chapter 316, subject to the amendments or supplements contained in this chapter and the official traffic map of the city which is hereby adopted and is on file in the office of the city clerk.

(Ord. No. 2005-21, § 1, 6-21-05)

§ 20-32. Bicycles.

(a) *Prohibition.* The riding and operation of bicycles in the city shall be subject to the Florida Uniform Traffic Control Law, [F.S.] Chapter 316, and the provisions of this section. While engaged in bicycling, irrespective of where such activities occur, a cyclist is responsible for doing all of the following:

(1) Acting within the limits of his or her ability and the purpose and design of the equipment used.

(2) Maintaining control of his or her person and the equipment used.

(3) Refraining from acting in any manner which may cause or contribute to death or injury of himself or herself, or other persons.

(b) *Bicycling on sidewalks.*

(1) No bicycle shall be operated upon any sidewalk located in a business district. The provisions of this section shall not apply to any authorized police bicycle when operated in an official capacity.

(2) Bicycles may be operated on sidewalks in public parks and in residential districts.

(3) Bicycles shall not be operated side-by-side on sidewalks.

(4) Under all circumstances, the cyclist shall yield the right-of-way to pedestrians using the sidewalk.

(5) Due and proper care shall at all times be exercised by the cyclist when approaching or passing pedestrians on the sidewalk.

(c) *Bicycling on trails.*

(1) Bicycles may be operated on public trails.

(2) All regulations pertaining to the operation of bicycles on sidewalks shall apply to operation of bicycles on public trails.

(d) *Parking bicycles.*

(1) When parked in the business district, bicycles shall be parked in zones or places designated and marked for that purpose.

(2) Bicycles shall not be parked along buildings in such a manner as to interfere with pedestrians.

(3) Bicycles shall not be parked along roadways where they may interfere with pedestrians, with traffic or with persons getting into or out of motor vehicles.

(4) No person other than the owner or operator shall move or interfere with any bicycle that is properly parked.

(5) No person shall interfere or in any manner hinder any person from properly parking a bicycle.

(6) Members of the fire department and police department may move or prevent the parking of a bicycle when necessary to safeguard persons or property.

(e) *Penalties.* A violation of the regulations contained in this section shall be subject to a fine in the amount of fifteen dollars (\$15.00) if paid within ten (10) days from the date a notice of the violation is was issued by a law enforcement officer. The violation shall be subject to a fine of thirty dollars (\$30.00) if paid more than ten (10) days after the time when such notice was issued, but not later than thirty (30) days following the issuance of the notice. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice shall contain directions as to the procedure for paying the fine or obtaining a hearing.

(f) *Waiver of fine.* Any fine that may be assessed in the enforcement of the provisions of this section may be waived for extraordinary or extenuating circumstances as determined by the chief of police or his or her designee. A copy of the notice of violation and a written explanation of the reason for the waiver shall be filed with the official records of the city clerk within twenty-four (24) hours after granting the waiver.

(Ord. No. 2005-21, § 1, 6-21-05)

§ 20-33. Inline skating and skateboards.

(a) *Definition.* Skateboard means a board or skate or other non-motored device attached to wheels for the purpose of carrying or propelling a person. This definition shall not include wheelchairs or similar devices designed for use by disabled persons.

(b) *Prohibition.* The riding and operation of inline skates and skateboards in the city shall be subject to the Florida Uniform Traffic Control Law, [F.S.] Chapter 316, and the provisions of this section. While engaged in skating or skateboarding, irrespective of where such activities occur, a participant is responsible for doing all of the following:

- (1) Acting within the limits of his or her ability and the purpose and design of the equipment used.
- (2) Maintaining control of his or her person and the equipment used.
- (3) Refraining from acting in any manner which may cause or contribute to death or injury of himself or herself, or other persons.

(c) *Skating or skateboarding on sidewalks.*

- (1) Inline skates or skateboards shall not be operated upon any sidewalk located in a business district.
- (2) Inline skates and skateboards may be operated on sidewalks in public parks and in residential districts.
- (3) Inline skates and skateboards shall not be operated side-by-side on sidewalks.
- (4) Under all circumstances, the skater or skateboarder shall yield the right-of-way to pedestrians using the sidewalk.
- (5) Due and proper care shall at all times be exercised by the skater or skateboarder when approaching or passing pedestrians on the sidewalk.

(d) *Skating or skateboarding on trails.*

- (1) Inline skates and skateboards may be operated on the public trails.

(2) All regulations pertaining to the operation of inline skates and skateboards on sidewalks shall apply to operation of bicycles on trails.

(e) *Penalties.* A violation of the regulations contained in this section shall be subject to a fine in the amount of fifteen dollars (\$15.00) if paid within ten (10) days from the date a notice of the violation is was issued by a law enforcement officer. The violation shall be subject to a fine of thirty dollars (\$30.00) if paid more than ten (10) days after the time when such notice was issued, but not later than thirty (30) days following the issuance of the notice. If the owner, operator, or person chooses to contest the notice of violation, the owner, operator, or person must contact the clerk of the county court within the thirty-day period and request a court hearing. If the owner, operator, or person fails to pay the fine or contact the clerk within the thirty-day period, the police department is hereby authorized to deliver the violation to the clerk of the county court for formal prosecution. The notice shall contain directions as to the procedure for paying the fine or obtaining a hearing.

(f) *Waiver of fine.* Any fine that may be assessed in the enforcement of the provisions of this section may be waived for extraordinary or extenuating circumstances as determined by the chief of police or his or her designee. A copy of the notice of violation and a written explanation of the reason for the waiver shall be filed with the official records of the city clerk within twenty-four (24) hours after granting the waiver.

(Ord. No. 2005-21, § 1, 6-21-05)

Article V. All-Terrain Vehicles

§ 20-41. All-terrain vehicles.

(a) *Definition.* *All-terrain vehicle* means any motorized off-highway vehicle fifty (50) inches or less in width, having a dry weight of nine hundred (900) pounds or less, designed to travel on three (3) or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator with no passenger. For the purposes of this section, all-terrain vehicle also includes any two-passenger all-terrain vehicle.

(b) *Prohibition.* Except as provided in this section, it is unlawful to operate an all-terrain vehicle upon the public rights-of-way, roads, highways, streets, sidewalks, trails, parks and parkways of the city. The provisions of this section shall not apply to an all-terrain vehicle having four (4) wheels operated by law enforcement officers while in the course and scope of their duties.

(Ord. No. 2006-51, § 1, 12-28-06)

§ 20-42. Impounding of all-terrain vehicles.

A law enforcement officer may cause to be removed at the owner's expense any all-terrain vehicle operated upon the public roads, highways, streets, sidewalks, trails, parks and parkways of the city.

(Ord. No. 2006-51, § 1, 12-28-06)