

Chapter 74 - TRAFFIC AND VEHICLES

ARTICLE I. - IN GENERAL

Sec. 74-1. - Definitions and word usage.

This article, the terms, phrases, words and their derivations shall have the meanings given in this section:

Cul-de-sac. A blind alley/street which is open at one end.

Deviating truck. A truck which leaves and/or departs from a truck route while traveling inside the city.

Disabled person. Any person so severely disabled that he is unable to move from place to place without the aid of a mechanical device, wheelchair, walker, cane, crutch, invalid tricycle or any similar device intended for and used by such persons.

Fire zone. That area or space officially designated and set apart for the exclusive use of fire and other emergency equipment and such area clearly marked by a sign and/or pavement markings.

Loading zone. That area or space officially set apart for the exclusive use of the parking of such vehicles for the purpose of and while actually engaged in loading or unloading merchandise and such area clearly marked by a sign and/or pavement markings.

Medians. The middle areas between divided roadways.

Park or parking. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers, as may be permitted by state law.

Recreational vehicle. Any motor vehicle or trailer designed and used as a travel trailer, camper, motor home, motor coach, tent trailer, boat, boat trailer, camping trailer and/or such classification of vehicles manufactured for similar uses and purposes.

Truck route. A way over certain streets, as designated herein, over and along which trucks coming into and/or going out of the city shall operate.

(Code 1990, § 217-15)

Sec. 74-2. - Unauthorized traffic direction.

Except in case of an emergency and only when so designated by a police officer or other authorized official of the city, it shall be unlawful for any person to direct or attempt to direct traffic within the corporate limits of this municipality.

Sec. 74-3. - Obstruction of traffic prohibited.

It shall be unlawful for any person to willfully obstruct the free, convenient, safe and normal use of any public roadway by impeding, hindering, stifling, retarding or restraining traffic or passage thereon by any object, structure, plant, tree, sign or any other thing or being which, by its presence, causes a traffic hazard.

(Code 1990, § 217-28)

Sec. 74-4. - Pedestrians.

(a) Fishing from bridges prohibited.

- (1) This subsection shall not apply to bridges controlled by the Florida Department of Transportation.
 - (2) The city commission shall, by duly noticed resolution, designate those bridges where fishing is to be prohibited.
 - (3) The chief of police shall be responsible for posting "no fishing" signs upon the bridges which are designated by the city commission pursuant to subsection (a)(2) above.
 - (4) It shall be unlawful for any person to fish from any bridge which has been duly posted in accordance with subsection (a)(3) above.
- (b) Hazardous activities on bridges and bridge right-of-way.
- (1) The city commission does hereby prohibit the following hazardous or harmful activities on bridges and in bridge rights-of-way within its jurisdiction: climbing on bridges, jumping or diving from bridges, feeding alligators and tampering with or climbing on publicly owned equipment and/or utility appurtenances, whether freestanding, attached to or suspended from bridges.
 - (2) The director of the North Port road and drainage district shall be responsible for posting and maintaining signs expressly prohibiting these hazardous activities, pursuant to subsection (b)(1) above.
 - (3) It shall be unlawful for any person to engage in those activities prohibited by this subsection.

(Code 1990, § 217-31)

Sec. 74-5. - Bicycles, motorcycles and mopeds.

- (a) It shall be unlawful for any person on any street riding a motorcycle, to cling or to attach himself or his vehicle to any moving motor vehicle.
- (b) It shall be unlawful for any person to eat or drink while the bicycle, motorcycle or moped is moving.
- (c) No parent(s) and/or guardian(s) of any minor child or any minor ward shall authorize or knowingly permit any such minor child or ward to violate any provision of this section.

(Code 1990, § 217-36)

Secs. 74-6—74-28. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. 74-29. - Responsibility for traffic control; issuance of identification for privately owned vehicles used as emergency vehicles.

- (a) The chief of police shall have the authority and shall be responsible for all traffic control within the corporate limits of this municipality and shall assign such law enforcement officers deemed necessary to direct and enforce all traffic regulations in accordance with all ordinances enacted by the city commission and those general laws of the state regulating traffic.
- (b) The fire chief shall, at his discretion, issue proper identification cards to those persons who, by this article and/or F.S. ch. 316, are authorized to use and display the red lights on privately owned vehicles as prescribed by law.

(Code 1990, § 217-17)

Sec. 74-30. - Scene of fire.

In the absence of or in assisting the police officer, the senior fire department officer in command or his designated representative shall have the power and authority in directing traffic at the scene of any fire or where the fire department has responded to an emergency call for so long as the fire department equipment is on the scene.

(Code 1990, § 217-19)

Secs. 74-31—74-48. - Reserved.

ARTICLE III. - VEHICLE OPERATION

Sec. 74-49. - Uncodified ordinances setting speed limits.

Nothing in this Code or the ordinance adopting this Code shall repeal any ordinance setting speed limits for specific streets in the city.

Sec. 74-50. - Colored markings on pavement.

Whenever colored markings are used on pavements, they shall be considered in lieu of and/or in addition to other traffic signs and signals. Drivers of any vehicles shall be alert to notice such markings and give full heed to their warnings and/or instructions and shall obey the same.

(Code 1990, § 217-20)

Sec. 74-51. - Restrictions on certain vehicles.

It shall be unlawful for any person to operate any vehicle on any city roadway when the maximum gross weight imposed on the city roadway exceeds 12,000 pounds nor on any city roadway where the weight of the vehicle permitted on such roadway is limited by sign, except for the purpose of making delivery or picking up a load, in which case such vehicle may be driven on such roadway for not more than the minimum distance necessary for that purpose. Maximum gross weight shall be verified by the police officer by means of a bill of lading in the possession of the driver of subject truck.

(Code 1990, § 217-27(B))

Sec. 74-52. - Speed limits in Holiday Park—Park and Recreation District.

- (a) *Legislative intent.* The city commission hereby declares its intent and purpose in adopting this article to regulate and enforce vehicular traffic speed within the Holiday Park—Park and Recreation District to enhance the protection, safety and general welfare of its citizens.
- (b) *Establishment of speed limit.* The speed limit for all vehicular traffic on any and all streets, roads and/or thoroughfares wholly situated within the area publicly known and cited as "Holiday Park—Park and Recreation District" shall be 15 miles per hour.
- (c) *Posting of signs.* The chief of police shall be responsible to cause the official speed limit signs to be posted within said district.
- (d) *Enforcement responsibilities.* The chief of police shall be responsible for the enforcement of the speed limit specified herein.

- (e) *Jurisdiction.* The county clerk in and for the County of Sarasota is hereby given nonexclusive jurisdiction over violations of this section when such infraction occurs within the corporate limits of this municipality and when the person is so charged by a city police officer.
- (f) *Adjudication; penalties.* The county court in and for the County of Sarasota is hereby empowered to determine whether a violation of this section has been committed, impose civil penalties as provided in F.S. chs. 316, 318 and 322 and exercise all other powers necessary for a complete adjudication of the case, as well as all powers conferred in chapters cited herein.

(Code 1990, §§ 217-1—217-6)

Sec. 74-53. - Tuscola Boulevard.

- (a) *Prohibition of use as public thoroughfare.* It shall be unlawful for the general public to utilize as a public thoroughfare that portion of Tuscola Boulevard situated wholly within the legal boundaries of the Holiday Park—Park and Recreation District.
- (b) *Posting of signs.* The chief of police shall be responsible to cause the appropriate signs to be posted at the appropriate ingress and/or egress areas of subject boulevard in compliance with the provisions of this article.
- (c) *Enforcement responsibilities.* The chief of police shall be responsible for the enforcement of the provisions of this section.
- (d) *Jurisdiction.* The county court in and for the County of Sarasota is hereby given nonexclusive jurisdiction over violations of this section when such infractions occur within the corporate limits of this municipality and when the person is so charged by a city police officer.
- (e) *Adjudication; penalties.*
 - (1) Any person utilizing said boulevard as a public thoroughfare and/or a through-traffic thoroughfare shall be deemed in violation of this article.
 - (2) The county court in and for the County of Sarasota is hereby empowered to determine whether the infraction has been committed, impose civil penalties as provided in F.S. chs. 316, 318 and 322 and exercise all other powers necessary for a complete adjudication of the case, as well as all powers conferred in chapters cited herein.

(Code 1990, §§ 217-8—217-12)

Sec. 74-54. - Fire safety zones.

It shall be unlawful for any person to drive through, stand, stop and/or park in a fire safety zone area.

(Code 1990, § 217-30)

Sec. 74-55. - Truck traffic.

- (a) *Generally.* This section is applicable to all truck traffic traveling only on city streets, roads and/or thoroughfares within this municipality and shall operate only over and along the truck routes herein established and other designated city streets, roads and/or thoroughfares over which truck travel is permitted.
- (b) *Exceptions.* This article shall not prohibit:
 - (1) The operation of trucks upon any street where necessary to the conduct of business at a destination point, provided that streets upon which truck traffic is permitted are used until reaching the intersection nearest the destination point.

- (2) The operation of municipal vehicles upon any street within this municipality.
- (3) Public utilities, contractors and/or trucks carrying materials to the construction site while engaged in the repair, maintenance and/or construction of streets; while engaged in repair, maintenance and/or installation of utilities; while engaged in the loading or unloading of properties and/or merchandise at destination points within this municipality; or while engaged in the repair, maintenance and/or construction of a dwelling(s) at specific destination points within this municipality; provided that such streets upon which truck traffic is permitted are used until reaching the intersection nearest the destination point.
- (4) The operation of trucks upon any officially established detour within this municipality.
- (5) The operation of truck traffic upon such street within this municipality designated as state and/or federal highways on which truck traffic is regulated by state and/or federal law.
- (6) The operation of any other government agency emergency vehicles, or other vehicles, upon any street within this municipality.
- (c) *Through truck routes.* All trucks entering this city for destination points outside this municipality shall operate only upon that street known and posted as "Toledo Blade Boulevard."
- (d) *Local truck routes.* All truck traffic entering this municipality for destination points within this municipality shall operate only upon the following designated routes:
 - (1) S. Sumter Boulevard from I-75 to U.S. 41.
 - (2) Toledo Blade Boulevard from I-75 to Hillsborough Boulevard.
 - (3) Price Boulevard from Sumter Boulevard to Toledo Blade Boulevard. Price Boulevard from Sumter Boulevard, east to the city limits as a thru truck route.
- (e) *General restrictions.*
 - (1) Outside origin.
 - a. All trucks entering this municipality for one inside destination point in this municipality shall proceed only over an established truck route and shall deviate only at the intersection with the street, upon which such traffic is permitted, nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the shortest route.
 - b. All trucks entering this municipality for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection with the street nearest to the first destination point. Upon leaving the first destination point, a deviating truck shall proceed to the other destination points by the shortest direction and wherever possible only over streets upon which such traffic is permitted. Upon leaving the last destination point, a deviating truck shall return to the truck route by the shortest route.
 - (2) Inside origin.
 - a. All trucks, on a trip originating and traveling within this municipality for a destination point outside this municipality, shall proceed wherever possible by the shortest direction over streets on which such traffic is permitted to a truck route as herein established.
 - b. All trucks, on a trip originating within and traveling within for destination points within this municipality, shall proceed wherever possible only over streets upon which such traffic is permitted and shall deviate only at the intersection with the street upon which such traffic is permitted, nearest to the destination point(s). Upon leaving the destination point, a deviating truck shall return to the truck route by the shortest route.
- (f) *Enforcement.*
 - (1) The chief of police shall keep and maintain an accurate map setting out truck routes and streets upon which truck traffic is permitted and shall cause all truck routes and those streets

upon which truck traffic is permitted to be clearly posted to give notice that this article is in effect.

- (2) No person shall be charged with violating the provisions of this article by reason of operating a truck upon a street wherein truck traffic is prohibited unless signs are posted on such street.
 - (3) The chief of police shall have the authority to require any person driving or in control of any commercial vehicle not proceeding over a truck route or street over which truck traffic is permitted to proceed to any location which has a state-certified scale available for the purpose of weighing and/or inspecting the bill of lading which accompanies each such commercial vehicle to determine whether such vehicle is in compliance with the provisions of this article.
- (g) *Truck traffic penalties and violations.*
- (1) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor in the second degree and, upon conviction, shall be punishable pursuant to provisions of F.S. § 775.081, F.S. § 775.082, F.S. § 775.083 and F.S. § 775.084.
 - (2) Each day such violation is committed and/or permitted to continue shall constitute a separate violation under the provisions of this article.
- (h) *Inspection and penalty for unlawful weight and load; review; maximum weights; liability for damage to streets and structures.*
- (1) Any law enforcement officer of the City of North Port having reason to believe that the weight of a vehicle and load on city streets is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales, provided that such public scales are within five miles.
 - (2) Whenever said law enforcement officer, upon weighing a vehicle or combination of vehicles with load on city streets, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. However, any gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. For enforcement purposes, all scaled weights of the gross or axle weights of vehicles and combinations of vehicles shall be deemed to be not closer than ten percent to the true gross weight. However, if the driver of any vehicle can comply with the requirements of this subsection by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of this subsection.
- (3) *Penalty.*
- a. Any person who violates the overloading provisions of this subsection shall be conclusively presumed to have damaged the streets of the city by reason of such overloading, which damage is hereby fixed as follows:
 1. When the excess weight is 100 pounds or less than the maximum herein provided, the penalty shall be \$10.00.
 2. Ten cents per pound for each pound of weight in excess of the maximum herein provided when the weight excess exceeds 100 pounds. However, whenever the gross weight of the vehicle or combination of vehicles does not exceed the maximum allowable gross weight, the maximum fine for the first 1,000 pounds of unlawful axle weight shall be \$20.00.
 - b. Lien upon overloaded vehicles; bond required. Whenever any person violates the provisions of this subsection and becomes indebted to the city because of such violation in the amounts aforesaid and refuses to pay said penalty, such penalty shall become a lien upon the overloaded vehicle, and the same shall be foreclosed by the city in a court of

equity. It shall be presumed that the owner if the overloaded motor vehicle is liable for this sum. Any person, firm or corporation claiming an interest in the seized motor vehicle may, at any time after the city's lien is attached to the motor vehicle, obtain possession of the seized vehicle by filing a good and sufficient forthcoming bond with the city, payable to the city in twice the amount of the city's lien, with a corporate surety duly authorized to transact business in the State of Florida as surety, conditioned to have the motor vehicle or combination of vehicles forthcoming to abide the result of any suit for the foreclosure of said lien. It shall be presumed that the owner of the overloaded motor vehicle is liable for the penalty imposed under this subsection. Upon the posting of such bond with the city clerk, the vehicle shall be released. The lien of the city against the motor vehicle aforesaid shall be foreclosed in equity, and the ordinary rules of the court relative to proceedings in equity shall control. If it appears that the seized vehicle has been released to the defendant upon his forthcoming bond, the city shall take judgment of foreclosure against the defendant and the sureties of the bond for the amount of the lien, including cost of proceedings. After the rendition of the decree, the city may, at its option, proceed to sue out execution against the defendant and his sureties for the amount recovered as aforesaid or direct the sale of the vehicle under foreclosure.

- (4) Disposition of penalties. Any law enforcement officer of the city issuing a citation for violation, as herein defined, shall give the owner or driver of the overloaded vehicle a copy of said citation. Such officer shall cooperate with the owner or drivers of motor vehicles so as not to unduly delay the vehicles. All penalties imposed and collected under this subsection shall be paid to the City Clerk of the City of North Port, which shall be used to repair and maintain the streets and bridges of the city and to enforce the subsection relating to weight of vehicles.
- (5) Maximum weights.

TABLE 1

Maximum Legal Weight Based on Distance from
Truck's Front Axle to Rear Axle

(Single axle: 22,000; tandem axle: 44,000)

Distance Between First and Last Axle* (feet)	Maximum Weight Allowed to be Hauled** (pounds)
4	44,000
5	44,000
6	44,000
7	44,000
8	44,000

9	48,554
10	49,478
11	50,391
12	51,304
13	52,228
14	53,141
15	54,065
16	54,978
17	55,891
18	56,805
19	57,728
20	58,641
21	59,554
22	60,478
23	61,391
24	62,304
25	63,217
26	64,141
27	65,054
28	65,967

29	66,891
30	67,804
31	68,717
32	69,641
33	70,554
34	71,467
35	72,380
36 or more	73,271

Notes:

*This is overall distance and includes any combination of units.

**The scale tolerance of 10% is built into these weights.

Table 2

Maximum Legal Weight Based on Total Number of Axles and
Distance Between the Axles or Sets or Axles

(Use this for Gross and Interbridge Weight)

Distance Between any Group of 2 or More Consecutive Axles	Maximum Weight Allowed on this Number of Axles					
2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles	-
4	44,000	-	-	-	-	-
5	44,000	-	-	-	-	-

6	44,000	-	-	-	-	-
7	44,000	-	-	-	-	-
8	44,000	44,000	-	-	-	-
9	44,000	44,000	-	-	-	-
10	44,000	44,000	-	-	-	-
11	44,000	44,500	-	-	-	-
12	44,000	45,000	50,000	-	-	-
13	44,000	46,000	50,500	-	-	-
14	44,000	46,500	51,500	-	-	-
15	44,000	47,500	52,500	-	-	-
16	44,000	48,000	52,000	58,000	-	-
17	44,000	49,000	53,500	58,500	-	-
18	44,000	49,500	54,000	59,500	-	-
19	44,000	50,500	54,500	60,000	-	-
20	44,000	51,000	55,500	60,500	66,000	-
21	44,000	52,000	56,000	61,000	66,500	-
22	44,000	52,000	56,500	62,000	67,000	-
23	44,000	53,500	57,500	62,500	68,000	-
24	44,000	54,500	58,000	63,000	68,500	74,000
25	44,000	55,000	58,500	63,500	69,000	74,500

26	44,000	55,500	59,500	64,500	69,500	75,000
27	44,000	56,500	60,000	65,000	70,000	76,000
28	44,000	57,000	60,500	65,500	71,000	76,500
29	44,000	58,000	61,500	66,000	71,500	77,000
30	44,000	58,500	62,000	67,000	72,000	77,500
31	44,000	59,500	62,500	67,500	72,500	78,000
32	44,000	60,000	63,500	68,000	73,000	78,500
33	44,000	61,000	64,000	68,500	74,000	79,500
34	44,000	61,500	64,500	69,500	74,500	80,000
35	44,000	62,500	65,500	70,000	75,000	-
36	44,000	63,000	68,000	70,500	75,500	-
37	44,000	64,000	68,000	71,000	76,000	-
38	44,000	64,500	68,000	72,000	77,000	-
39	44,000	65,500	68,000	72,500	77,500	-
40	44,000	66,000	68,500	73,000	78,000	-
41	44,000	-	69,500	73,500	78,500	-
42	44,000	-	70,000	74,500	79,000	-
43	44,000	-	70,500	75,000	80,000	-
44	44,000	-	71,500	75,500	-	-
45	44,000	-	72,000	76,000	-	-

46	44,000	-	72,500	77,000	-	-
47	44,000	-	73,500	77,500	-	-
48	44,000	-	74,000	78,000	-	-
49	44,000	-	75,500	79,500	-	-
50	44,000	-	75,500	79,500	-	-
51	44,000	-	76,000	80,000	-	-

Warning: You may be legal on gross weight, but not on interbridge, so be sure to check those weights before using the interstate highways.

Table 3

Maximum Legal Weight for Single-Unit Dump Trucks, Concrete-Mixing Trucks, Garbage Trucks and Fuel Oil and Gasoline Trucks Based on 605 Pounds per Inch of Tire Width

If Your Tire Size Is	Total Weight for 2 Tires on 1 Axle Is	Total Weight for 4 Tires on 1 Axle Is
7:50	9,075	18,150
8:00	9,680	19,360
8:22.5	9,680	19,360
8:25	9,983	19,965
9:00	10,890	21,780
9:22.5	10,890	21,780
10:00	12,100	Legal axle weight
10:22.5	12,100	Legal axle weight

10:3-22.5	12,463	Legal axle weight
11:00	13,310	Legal axle weight
11:22.5	13,310	Legal axle weight
11:24.5	13,310	Legal axle weight
12:00	14,520	Legal axle weight
12:22.5	14,520	Legal axle weight
12:24.5	14,520	Legal axle weight
13:00	15,730	Legal axle weight
14:00	16,904	Legal axle weight
15:00	18,150	Legal axle weight
16:00	19,360	Legal axle weight
16:5	19,965	Legal axle weight
17:00	20,570	Legal axle weight
18:00	21,780	Legal axle weight
19:00	—Legal axle weight —	
MAXIMUM IS STILL 22,000 WITH NO EXCEPTION (10% tolerance is included)		

- (6) Damage to streets; liability. Any person driving or moving any vehicle, object or contrivance upon any city street shall be liable for all damages which the street or structure may sustain as a result of any illegal operating, driving or moving of such vehicles, objects or contrivances, whether or not such damage is a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weights, as provided in this subsection, but which may be authorized by special permit issued by the city. Whenever the driver is not the owner of the vehicle, object or contrivance but is so operating, driving or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and

severally liable for any such damage. Such damage may be recovered in any civil action brought by the city.

- (7) Any person aggrieved by the imposition of a civil penalty pursuant to this subsection may apply to the city commission for a modification, cancellation or revocation of the penalty, and the city commission is authorized to modify, cancel revoke or sustain such penalty.

(Code 1990, § 217-38)

Secs. 74-56—74-83. - Reserved.

ARTICLE IV. - STOPPING, STANDING AND PARKING

Sec. 74-84. - Violations.

- (a) Any person committing a parking violation, other than illegally parking in a parking space provided for disabled persons, shall be cited by the issuance of a parking violation ticket and shall be assessed a penalty of \$15.00 for such violation. Each day such violation is permitted to continue shall constitute a separate violation.
- (b) Any person committing a parking violation by illegally parking in parking spaces provided by governmental or nongovernmental entities and marked for disabled persons as required by this article shall be cited by the issuance of a parking violation ticket under this section and shall be assessed \$100.00 for such violation. Each day such violation is committed shall constitute a separate violation.
- (c) Payment of the penalty shall be made at the police department within ten days of issuance of the violation ticket. In the event that such payment is not made within the ten-day period, a citation shall be issued for a violation of this article which shall be deemed as a misdemeanor in the second degree punishable pursuant to provisions of F.S. § 775.081, F.S. § 775.082 and F.S. § 775.083.
- (d) Any person, being the legal owner of a vehicle, who grants permission and/or lends said vehicle to any other person and said person shall then violate the provisions of this article, shall be held responsible for payment of such violation unless said owner furnishes to the police department evidence that the vehicle was in the control of another person by furnishing the name and address of such person.
- (e) Payment shall be made by cash, cashier's check or money order. Cashier's check and/or money order shall be made payable to the city. Personal checks shall not be accepted.

(Code 1990, § 217-37)

Sec. 74-85. - General prohibitions.

- (a) It shall be unlawful to permit any vehicle to stand, stop and/or park in any of the following places, except in compliance with the direction of a police officer:
 - (1) In any intersection or crosswalk.
 - (2) Upon any bridge or viaduct or the approach thereto.
 - (3) Between a safety zone and the adjacent curb.
 - (4) Within 30 feet (9.15 meters) of a traffic signal, beacon or sign on the approaching side.
 - (5) Within 20 feet (6.10 meters) of any intersection or crosswalk.

- (6) Within 15 feet (4.57 meters) of a fire hydrant.
- (7) Anyplace where a vehicle would block the use of any driveway.
- (8) Within 20 feet (6.10 meters) of the driveway entrance to any fire department station nor on the side of the street opposite the entrance to any fire department station.
- (9) On and/or across any sidewalk.
- (10) At any place where official signs prohibit parking.
- (11) Any area clearly marked "fire zone" and/or "safety zone."
- (12) On a median.
- (13) On the area in the center or unpaved portion of a cul-de-sac.
- (b) Vehicles can be parked off the roadway (on the berm or shoulder and/or swale) in a manner which conforms to the flow of traffic and in which the vehicle is completely off the roadway (wearing surface). The vehicle must be parallel to the roadway and must be parked on the right-hand side of the roadway (headed in the same direction as the flow of traffic) except where official traffic control devices designate otherwise.
- (c) It shall be unlawful for any person to park or leave standing any vehicle in a space designated for physically handicapped persons. Parking spaces designated for the physically handicapped shall be posted with a sign known as the "international wheelchair symbol," consisting of a profile view of a stylized wheelchair with occupant, in white on a blue background. All such handicapped persons shall obtain the proper license plate insignia indicating such disability.
- (d) Double parking on any roadway is prohibited.
- (e) No vehicle shall be parked with the left side (driver's side) of such vehicle next to the curb, except on a one-way roadway. No person shall be permitted to stand and/or park any vehicle off the roadway pavement other than by parallel parking, with the left two wheels (driver's side) off the roadway pavement, except where official traffic control devices designate otherwise.
- (f) The city commission shall have the authority to designate, by resolution, additional areas as no-parking areas upon a finding that the designation of such areas is necessary for the health, safety and general welfare of the citizens of the city. Upon the adoption of such a resolution, the road and drainage district shall post appropriate official traffic control devices at the designated areas.

(Code 1990, §§ 217-32 (A)-(D, (M)))

Sec. 74-86. - Displaying for sale.

It shall be unlawful to park any vehicle upon any roadway or upon any public or private property for the purpose of displaying it for sale, except where the owner of private property and the owner of said vehicle is one and the same.

(Code 1990, § 217-32(E))

Sec. 74-87. - Business property.

It shall be unlawful to park any vehicle upon any roadway in areas commonly accepted as business areas from which vehicle merchandise is peddled without the written consent of the legal owner of said business property.

(Code 1990, § 217-32(F))

Sec. 74-88. - Freight-carrying vehicles.

It shall be unlawful for any driver to stand any freight-carrying vehicle in any area other than that clearly marked "loading/unloading zone." Under no circumstances shall a freight-carrying vehicle be permitted to stand and/or park in an area reserved for the orderly movement of vehicular and pedestrian traffic thereby creating a traffic hazard.

(Code 1990, § 217-32(G))

Sec. 74-89. - Entrances to public buildings.

It shall be unlawful to stand or park a vehicle at the entrance of hospitals, other medical facilities, hotels, motels, schools, churches, theaters or any public or governmental building that serves the general public, excluding emergency vehicles (police, fire and ambulance).

(Code 1990, § 217-32(H))

Sec. 74-90. - Taxicab stands.

No vehicle other than a licensed taxicab shall be parked in any area designated as such either by pavement markings or by posted sign as a "cabstand," nor shall any vehicle other than a bus be parked in an area designated as a "bus loading zone" by pavement and/or postal signs.

(Code 1990, § 217-32(I))

Sec. 74-91. - Private property.

It shall be unlawful to park any vehicle on any private property without the consent of the owner of the property where the owner of the vehicle is not the same as the owner of said private property.

(Code 1990, § 217-32(J))

Sec. 74-92. - Storage of certain vehicles.

No trucks, trailers, wagons, motor homes or motor coaches shall be parked for storage purposes, including overnight, on any public right-of-way within any district zoned for residential use.

(Code 1990, § 217-32(K))

Sec. 74-93. - Tamiami Trail.

It shall be unlawful to park any vehicle, truck, truck trailer or trailer for a period of more than four hours on any public right-of-way within any commercially or residentially zoned property in the following specific areas along Tamiami Trail (U.S. 41):

- (1) From Espanola Avenue to North Port Boulevard.
- (2) From South Pan American Boulevard to South Biscayne Boulevard.
- (3) From Eager Street to Grobe Street.
- (4) From Hoffman Street to South Pan American Boulevard.
- (5) From Bolander Terrace to Almonte Terrace.

(Code 1990, § 217-32(L))

Sec. 74-94. - Parking spaces for disabled persons.

- (a) It shall be unlawful for any person to stop, stand or park a vehicle within such specially designated and marked parking space provided for disabled persons unless such vehicle displays a parking permit issued pursuant to F.S. § 320.0848 and such vehicle is transporting a person eligible for the parking permit.
- (b) Whenever a law enforcement officer finds a vehicle in violation of this section, that officer shall:
 - (1) Have the vehicle in violation removed to any lawful parking space and/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 by a law enforcement officer to a storage lot, garage or other safe parking space, the cost of such removal and parking shall be a lien against the vehicle.
 - (2) Charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in F.S. § 318.18(2). However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit, momentary parking in any such parking space, for the purpose of loading and/or unloading such disabled person. No penalty shall be imposed upon the driver of such momentary parking.

(Code 1990, § 217-35)

Secs. 74-95—74-130. - Reserved.

ARTICLE V. - ATV AND OFF-ROAD VEHICLES^{[11](#)}

Footnotes:

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Editor's note— Ord. No. 2009-13, §§ 1(1.01)—6(6.01), adopted Sept. 28, 2009, amended Art. V in its entirety and enacted similar provisions as set out herein. The former Art. V derived from Ord. No. 06-13, §§ 4—6, adopted July 10, 2006.

Sec. 74-131. - Declarations.

- (a) The City Commission of the City of North Port adopts this article for the following purposes:
 - (1) To limit the city's potential financial liability for injuries that might result from the operation of all-terrain vehicles, motorcycles and off-road vehicles;
 - (2) To prevent damage to public property excluding public roads, streets or highways thereby reducing the cost to the taxpayers of North Port for operating and managing these areas;
 - (3) To prevent soil erosion, damage to vegetation, turf and other injury to the environment;
 - (4) To reduce the risk of fire.
- (b) The city recognizes the state's enactment of laws regulating off-highway vehicles found in [F.S.] chapters 261, 316, 318, 320, 322, and 324, thus pre-empting the city from regulating off-highway vehicles in the same manner;

- (c) By enacting this article, the city in no way authorizes sanctions or condones the riding of ATV, OHM or OHV vehicles on unimproved real property which has neither been fenced, posted or law enforcement notified to enforce the state's trespass laws under F.S. chapter 810.

(Ord. No. 2009-13, §§ 2(2.01), 3(3.01), 9-28-2009)

Sec. 74-132. - Definitions.

- (a) *ATV* means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a drive weight of 900 pounds or less designed to travel on three or more low-pressured tires, having a seat designed to be straddled by the operator and handlebars for steering control and intended for use by single operator with no passengers.
- (b) *OHM or off-highway motorcycle* means any motor vehicle used off the road or highways of this state that has a seat or saddle for the use of the rider and is designated to travel with not more than two wheels in contact with the ground, but excludes a tractor or moped.
- (c) *OHV or off-highway vehicle* means any ATV, two-rider ATV, or OHM that is used off the roads or highways of this state and that is not registered and licensed for highway use under Chapter 320.
- (d) *Public lands* means lands within the city that are owned, operated and managed by a federal, state, county, or municipal governmental entity.
- (e) *Two-rider ATV* means any ATV that is specifically designed by the manufacturer for a single operator and one passenger.
- (f) *Residence* means a room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or for rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping and sanitary facilities and one kitchen.

(Ord. No. 2009-13, §§ 2(2.01), 4(4.01), 9-28-2009)

Sec. 74-133. - Manner of operation.

- (a) ATV, off-highway motorcycles and off-highway vehicles shall not be operated on public lands except in a system of off-highway vehicle recreation areas and trails established in compliance with F.S. chapter 261, otherwise known as the "T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act." This article recognizes the penalties set forth in F.S. § 261.11, which prohibits off-highway vehicles from operation on public roads, streets or highways of the state, for which violation is punishable as provided in F.S. chapter 318.
- (b) ATV, OHM and OHV vehicles shall not be operated on undeveloped or vacant real property within the city within one-half mile of any residence.

(Ord. No. 2009-13, §§ 2(2.01), 5(5.01), 9-28-2009)

Sec. 74-134. - Penalties.

- (a) Operation of an ATV, OHM and OHV in violation of this Article shall be punishable as follows:

First offense:	Written warning
Second offense:	Fine of \$100.00

Third offense:	Fine of \$250.00 and impoundment of ATV, OHM or OHV until all fines of the operator are paid
Fourth or subsequent offense:	Fine of \$500.00 and impoundment of ATV, OHM or OHV until all fines of the operator are paid

- (b) Payment of the penalty shall be made at the police department within ten days of issuance of the violation ticket. In the event that such payment is not made within the ten-day period, a citation shall be issued for a violation of this article which shall be deemed as a misdemeanor in the second degree punishable pursuant to provisions of F.S. §§ 775.081, 775.082 and 775.083.
- (c) Any person being the legal owner of a vehicle who grants permission and/or lends said vehicle to any other person and said person shall then violate the provisions of this article, shall be held responsible for payment of such violation unless said owner furnishes to the police department evidence that the vehicle was in the control of another person by furnishing the name and address of such person.
- (d) Payment shall be made by cash, cashier's check or money order. Cashier's check and/or money order shall be made payable to the city. Personal checks shall not be accepted.
- (e) Impoundment.
 - (1) An ATV, OHV or OHM shall be impounded if it is being operated in violation this article for a third or subsequent time. The operator of the vehicle shall be given notice at the time of impoundment how and where to retrieve the vehicle. The city shall give notice to the owner of the vehicle within three business days, where the owner is absent at the time of impoundment, and where the identity of the owner can be ascertained through title records or through reasonable investigation.
 - (2) The ATV, OHV or OHM will be returned to its owner upon proof of ownership and payment of the fines and towing and storage costs. A receipt from the city indicating that all fines have been paid shall be required in order to have the vehicle released to the owner, if vehicle is in possession of towing company rather than city.
 - (3) The owner or operator of the vehicle may request in writing a hearing before the city manager or designee to contest the impoundment within ten days of the impoundment. The hearing shall be held within five business days of the written request to determine whether the impoundment was authorized under this section. If the city manager or designee finds the impoundment to be authorized, the owner or operator must pay the fines and towing and storage costs to retrieve the vehicle. If the city manager or designee does not find the impoundment to be authorized, the vehicle shall be released upon request to the owner or operator of the vehicle and no towing or storage costs shall be assessed.

(Ord. No. 2009-13, §§ 2(2.01), 6(6.01), 9-28-2009)

Secs. 74-135—74-149. - Reserved.

ARTICLE VI. - GOLF CART OPERATION ON CITY STREETS

Sec. 74-150. - Use of golf carts on city streets.

Pursuant to F.S. § 316.212, it is the intent of the City Commission of the City of North Port, Florida, to allow golf carts on certain city streets under certain conditions as set forth in this article.

(Ord. No. 2011-13, § 2(2.01), 6-27-2011)

Sec. 74-151. - Definitions.

Golf cart. Pursuant to F.S. § 320.01(22), a "golf cart" is defined as a motor vehicle for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

Designated roadway. A roadway designated by the city as safe for the operation of golf carts and where use of golf carts on the roadway is permitted.

(Ord. No. 2011-13, § 3(3.01), 6-27-2011)

Sec. 74-152. - Designated roadways.

- (a) Golf carts meeting the definition set forth in section 74-151 and meeting the minimum equipment standards established by Florida Statutes are authorized on designated roadways within the city. The city commission may designate additional roadways for golf cart use or change or remove such designation by resolution from time to time.
- (b) The portion of Plantation Boulevard located within the city is a designated roadway. Lakeside Plantation Community Development District shall be responsible for posting appropriate signs on Plantation Boulevard to include all intersections allowing such use, as directed by the city.

(Ord. No. 2011-13, § 4(4.01), 6-27-2011)

Sec. 74-153. - State roads.

A golf cart may not be operated on a road or street that is a part of the state highway or U.S. highway system unless specifically authorized by the city and Department of Transportation as provided in F.S. § 316.212(2).

(Ord. No. 2011-13, § 5(5.01), 6-27-2011)

Sec. 74-154. - Rules of operation.

- (a) *Local roads.* A golf cart may only be operated on designated roadways after posting of the required sign(s) which authorizes such operation.
- (b) *Hours of operation.* A golf cart may only be operated on designated roadways during the hours between sunrise and sunset.
- (c) *Equipment.* A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rear-view mirror, and red reflectorized warning devices in both the front and rear.
- (d) *Unlicensed drivers and age.* No golf cart shall be operated by anyone under the age of 16 years and the driver, regardless of age, must possess a valid driver's license or learner's permit subject to the restrictions set forth by Florida Statutes.
- (e) *Compliance with traffic laws.* Golf carts shall comply with all applicable local and state traffic laws and may be ticketed for traffic violations in the same manner as a motor vehicle under Florida law and shall be occupied by no more passengers than for whom there are seats in the golf cart.

- (f) *No rental.* There shall be no operation of rented golf carts in the city on the various streets, rights-of-way, alleys or property of the City.

(Ord. No. 2011-13, § 6(6.01), 6-27-2011)

Sec. 74-155. - Penalties.

- (a) A violation of Section 74-152, section 74-153, subsection 74-154(a) or(b) is a noncriminal traffic infraction punishable as a moving violation as provided in F.S. § 318.20, as amended.
- (b) A violation of subsection 74-154(c) is a noncriminal traffic infraction punishable as a nonmoving violation as provided in F.S. § 318.20.
- (c) A violation of subsection 74-154(d) is a noncriminal traffic infraction punishable as a nonmoving violation as provided in F.S. § 318.20.
- (d) A violation of subsection 74-154(e) shall be punishable as provided in F.S. ch. 318.
- (e) A violation of subsection 74-154(f) is punished as follows:
 - (1) First violation \$ 58.00
 - (2) Second violation if violation occurs within two years of first violation 158.00
 - (3) Third violation if violation occurs within four years of second violation 258.00

(Ord. No. 2011-13, § 7(7.01), 6-27-2011)