

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY CODE OF ORDINANCES TO REMOVE REFERENCE TO THE COUNTY'S AUTHORITY TO REGULATE PARKING ON PRIVATE ROADS; TO ALLOW THE COUNTY'S TRAFFIC OPERATIONS MANAGER TO DESIGNATE ROADS WHERE STREET PARKING IS PROHIBITED; TO PROVIDE FOR APPEALS FROM TRAFFIC OPERATION MANAGER'S DESIGNATION OF ROADS WHERE PARKING IS PROHIBITED; TO PROHIBIT PARKING ON A DRIVEWAY OR LOT IN SUCH A MANNER AS TO OBSTRUCT A SIDEWALK; PROVIDING FOR APPLICABILITY, REPEALER, SEVERABILITY, INCLUSION INTO THE CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Pasco County Board of County Commissioners finds that the incidence of people parking in driveways and on property in such a manner as to impede free use of the sidewalk by pedestrians has increasingly been reported, causing danger and inconvenience to other citizens who are forced to detour into the street or onto unimproved surfaces in order to avoid the parked vehicles; and

WHEREAS, the county's current parking regulations prohibit parking "on a sidewalk" but do not clearly prohibit parking in such a manner as to obstruct the sidewalk; and

WHEREAS, the Board desires to remove a provision relating to its authority to regulate parking on private roads because (1) the County Code Enforcement Department has limited resources to enforce parking restrictions on private streets; (2) the Sheriff's Office is not presently enforcing any County parking restrictions on private streets, but instead is enforcing state parking regulations in those private communities where traffic enforcement agreements exist; (3) communities with private streets can enforce parking restrictions themselves with private signage and towing policies if there is a problem with emergency vehicle access or other on-street parking problems in the community; and (4) the Board does not in fact exercise that authority over private roads, and the provision is therefore inconsistent with the Board's current and historical practice; and

WHEREAS, the county's traffic operations manager routinely determines whether street parking on public roads is appropriate during development review in a given neighborhood or street based on safety or traffic management considerations; and the Board desires to provide supplemental method for restricting parking on public roads by the traffic operations manager, while retaining the Board's ability to restrict street parking by resolution.

WHEREAS, The Board of County Commissioners sitting as the Local Planning Agency has reviewed this ordinance and has determined that it is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

Section 1. The Pasco County Code of Ordinances Section 106-26 is hereby amended as follows:

Sec. 106-26. Authorization to prohibit parking.

The board of county commissioners may place official signs prohibiting parking upon public roads and rights of way, roads dedicated to the public by plat, ~~privately-owned roads over which the public is permitted to travel (whether or not those roads are dedicated to the public by plat)~~, in county-owned parks, and on county-owned property, or other areas under its jurisdiction, by ~~or~~ the passage of a resolution which designates the area where such conduct is prohibited.

Based on safety or traffic management considerations, the county's traffic operations manager may also restrict or prohibit parking on such roads by causing a sign to be erected reflecting the designation. Any person who wishes to appeal a determination of

the traffic operations manager that restricts or prohibits parking must file an appeal in conformity with Chapter 317 of the Land Development Code within 30 days of the effective date of this ordinance or the erection of the sign reflecting the parking restriction, whichever is later.

Section 2. The Pasco County Code of Ordinances Section 106-32 is hereby amended as follows:

Sec. 106-32. Class I parking violation.

(a) It shall be unlawful for any person to stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway without the owner's consent;
- (3) Within twenty (20) feet of a crosswalk at an intersection;
- (4) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
- (5) Upon any pavement of any street where parking has been prohibited on such streets by the board of county commissioners as evidenced by a no parking sign placed along such street or placed at the entrance to a subdivision, except where permitted or exempted as set forth in this section;
- (6) In any parking space for a period longer than that authorized by an official traffic control sign or in a metered parking space longer than allowed (overtime parking); or
- (7) At any other place not specifically designated in this article where official signs prohibit stopping, standing or parking, including those locations on county-owned property and in county parks where parking is prohibited or is reserved for certain classes of persons or certain types of vehicles.
- (8) Any violation of the parking regulations located in division 2 of chapter 70 of the County Code (parks and recreation). Such violations include parking in restricted areas of county parks; parking outside of established parking areas in county parks; parking at times other than established times in county parks; full parking on roadways; parking on the rights side of park roadways for longer than necessary to complete repairs or observe natural or scenic features; parking on the left side of park roadways; noncompliance with the markings in established parking areas; noncompliance with instructions of park personnel; parking in a no parking or restricted use zone, except briefly for less than five (5) minutes for the expedition loading or for less than ten (10) minutes for the unloading of passengers or freight.

(9) On any portion of a driveway or lot when such vehicle, or any attached equipment or trailer, blocks or obstructs any portion of the sidewalk, hinders use of the sidewalk, causes pedestrians using the sidewalk to detour around the vehicle or equipment, or interferes with free passage along the sidewalk including that portion of the sidewalk which crosses a driveway.

(b) Any person stopping, standing or parking a vehicle in violation of this section shall be cited for a class I parking offense and fined pursuant to the fine schedule specifically set out in section 106-28.

(c) Any individual, group or organization holding an event which necessitates street parking may petition the county through its county administrator for a permit to allow street parking for a specified number of automobiles and a specified amount of time. The permit shall not be for more than four days in any one calendar year, and the street parking permit shall not be granted for the purpose of providing parking for a nonpermitted use in a residential district. It shall be the responsibility of the county administrator or his designee to review each petition for compliance with traffic safety standards and traffic circulation control with the sheriff's office, as well as for compliance with all county ordinances. The board of county commissioners may establish a permit fee by resolution.

(d) Commercial vehicles, marked in accordance with this chapter, which are parked in a no-street-parking subdivision for the purpose of servicing the adjacent property are exempt from subsection (a)(5) of this section.

Section 3. APPLICABILITY.

For purposes of jurisdictional applicability, this Ordinance shall apply in all unincorporated areas of the county. This Ordinance shall apply in a municipality within Pasco County only if the municipality expressly adopts this ordinance and repeals all ordinances inconsistent with these provisions.

Section 4. REPEALER.

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 5. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the ordinance shall be construed as not having contained the said section, subsection, sentence, clause, or provision and shall not be affected by such holding. It is further the intent of the Board that if this ordinance is held invalid with respect to a specific use of land and/or a specific property (i.e., the ordinance is successfully challenged on an "as applied" basis), the ordinance shall remain in effect as to other uses and/or properties where legally appropriate.

Section 6. INCLUSION INTO THE CODE.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pasco County Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 7. EFFECTIVE DATE.

A certified copy of this ordinance shall be filed with the Department of State by the Clerk to the Board of County Commissioners within ten (10) days after adoption of this ordinance, and this ordinance shall take effect the date the ordinance is filed with the Department of State.

ADOPTED with a quorum present and voting by the Board of County Commissioners of Pasco County, Florida, this ___ day of _____, 2009.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

PAULA S. O'NEIL, CLERK &
COMPTROLLER

PATRICIA MULIERI, Ed D., CHAIRMAN