

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; PROVIDING FOR APPLICABILITY, REPEALER, SEVERABILITY, INCLUSION INTO THE CODE, AND AN EFFECTIVE DATE.

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 these 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. 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 3. REPEALER.

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 4. 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 5. 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 6. 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 _____, 2010.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

PAULA S. O'NEIL, CLERK &
COMPTROLLER

PATRICIA MULIERI, Ed D., CHAIRMAN