

ORDINANCE NO. 006 – 2013

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA PROVIDING FOR AMENDMENT OF MONROE COUNTY CODE CHAPTERS 17 AND 25; PROVIDING CLARIFICATION OF WATERCRAFT AND VESSELS WHICH MAY NOT BE STORED IN SECTION 17-2(b); PROVIDING FOR CREATION OF SECTION 17-6; PROVIDING FOR MOVEMENT OF PROHIBITIONS REGARDING PARKING AND STORAGE OF TRUCKS, TRAILERS AND TRAVEL TRAILERS FROM SECTION 25-35 TO SECTION 17-6; PROVIDING FOR ELIMINATION OF INCONSISTENT LANGUAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Board Of County Commissioners of Monroe County, Florida on August 18, 2010 approved Ordinance 25-2010, adding specific sub-sections to Monroe County Code 25-35 for the enforcement and penalties for traffic and vehicles on Monroe County roads rights-of-way to be enforced by a law enforcement officer or a parking enforcement specialists; and

WHEREAS, certain sub-sections of the MCC 25-35 also address the storage of vehicles on private property which is not enforceable by a law enforcement officer or parking enforcement specialist; and

WHEREAS, that portion of section 25-35 which is not enforceable by law enforcement officers should be moved to a new section (17-6) to allow authorization of enforcement by code compliance officers; and

WHEREAS, the intent of this new section prohibiting the storage and parking of certain vehicles in residential zoning districts is to prevent diminution of property values and to retain the residential community character of the neighborhood; and

WHEREAS, a common complaint from the public pertains to derelict unsightly vessels and junk cars; and

WHEREAS, it is deemed in the interest of public to expand on the description of watercraft and vessels in section 17-2(b) to clarify under what conditions watercraft and vessels may not be stored; and

WHEREAS, Section 17-2(c) should be removed to avoid inconsistent interpretations of code compliance actions;

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Monroe County, Florida that:

SECTION 1. Section 25-35, Monroe County Code, shall be amended to read:

Sec. 25-35. - Storage of vehicles on County right-of-way prohibited.

(a) Within any residential district, no trucks, trailers, travel trailers, or buses of one-ton or greater capacity or recreational vehicle-type units, as defined in F.S. § 320.01, in excess of 42 feet in length and in excess of 8.5 feet in width shall be stored on the paved part of any public right-of-way. No trailers of less than one-ton capacity, including all pleasure boat trailers regardless of capacity, collapsible camping trailers and cargo trailers shall be parked, or stored on any public right-of-way, but such trailers may be parked on private property in any district pursuant to section 17-6 and part II of this Code.

(b) No motor vehicle of any type shall be stored on any public right-of-way. A motor vehicle parked on a public right-of-way in excess of 72 hours shall be presumed to be stored.

(c) A law enforcement officer or parking enforcement specialist who discovers a vehicle parked in violation of this section may issue a ticket in the form used by the county for parking violations to the driver or, if the vehicle is unattended, attach the ticket to the vehicle in a conspicuous place. All parking ticket penalties collected pursuant to this section must be remitted to the county's general fund.

(d) In the case of a violation of this section, the law enforcement officer or parking enforcement specialist, in addition to charging the owner or operator with any noncriminal violation set forth in subsections (a) through (c) of this section, may have the vehicle towed and impounded at the owner's expense. The cost of such towing and impoundment shall be a lien against the vehicle. If the county court determines that the noncriminal violation charged was invalid:

- (1) The vehicle must be immediately released without charge and with the lien provided for in this section automatically extinguished; or
- (2) If the owner or operator has paid the cost of towing and impoundment, the amount paid must be refunded.

SECTION 2 Section 17-2, Monroe County Code, shall be amended to read:

Section 17-2-Inoperative Vehicles and Watercraft

(a) Within all land use districts except Industrial (I) districts, all vehicles that are inoperative and/or unlicensed for a period of ten days shall be prohibited on any public right-of-way or on private property except within a completely enclosed garage.

(b) Within all land use districts except Industrial (I) districts, all watercraft that are wrecked, inoperative, partially dismantled and/or decayed and/or abandoned or stored on a boat trailer that is not ready for highway use for a period of 30 days, shall be prohibited on any waterway, shore, private or public property unless contained in a completely enclosed building.

SECTION 3 Section 17-6, Monroe County Code, shall be created to read:

Section 17-6 Parking and Storage of Trucks, Trailers and Travel Trailers

(a) Prohibited: Within any residential district, no trucks, trailers, travel trailers, or buses of one-ton or greater capacity or recreational vehicle-type units, as defined in F.S. § 320.01, in excess of 42 feet in length and in excess of 8.5 feet in width shall be parked or stored on private property except within a completely enclosed garage. Construction, landscaping or land clearing equipment may only be parked or stored on the same lot for which it is actively being used to conduct the scope of work related to a valid active permit or contract for services.

(b)) Permissible (or "allowed"): All other trucks and trailers, including all pleasure boat trailers, recreational vehicle-type units, or collapsible camping trailers may be parked or stored on private property in any district pursuant to the following conditions:

(1) All vehicles parked in accordance with this article shall be parked taking into account the setback requirements as is set forth in part II of this Code.

(2) All recreational vehicle-type units that are parked or stored as per the provisions of this article shall not be used as a place of habitation.

(3) All vehicles as referred to in this section may only be parked on the same lot or contiguous lot with and after the principal structure is erected.

(4) All vehicles parked or stored in accordance with this article must be registered in the name of the owner or the tenant of the property where they are parked.

(5) Only one recreational vehicle-type unit as defined in F.S. § 320.01, shall be permitted on any one residential or mobile home lot for storage purposes as provided in this section.

SECTION 4: SEVERABILITY. If any portion of this ordinance is for any reason held invalid or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 5: CONFLICT WITH OTHER ORDINANCES. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

SECTION 6: INCLUSION IN CODE OF ORDINANCES. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 7: TRANSMITTAL AND EFFECTIVE DATE. This Ordinance shall be filed with the Department of state and shall be effective as provided in section 125.66(2), Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 16th this day of January, 2013.

Mayor George Neugent	<u>Yes</u>
Mayor Pro Tem Heather Carruthers	<u>Yes</u>
Commissioner Danny Kolhage	<u>Yes</u>
Commissioner David Rice	<u>Yes</u>
Commissioner Sylvia Murphy	<u>Yes</u>

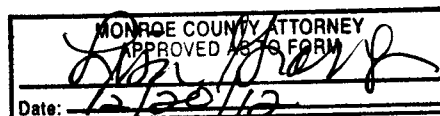
BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By George E. Neugent
Mayor George Neugent

(SEAL)

ATTEST: Amy Heavilin, Clerk Ad Interim

BY: Amy Heavilin
Deputy Clerk



FILED FOR RECORD
2013 FEB - 8 PM 3:51
CLERK OF CIR. CT.
MONROE COUNTY, FL.