

RESOLUTION NO. 2018- \_\_\_\_\_

**RESOLUTION OF THE FLAGLER COUNTY  
BOARD OF COUNTY COMMISSIONERS  
REGULATING PARKING AND SIGNAGE ON  
COUNTY PROPERTY.**

**Whereas**, Flagler County owns and controls the Government Services Complex on State Road 100, Bunnell, Florida, including the Emergency Operation Complex, the Government Services Building, the Kim C. Hammond Judicial Complex and other associated facilities (hereinafter collectively referred to as the “Government Services Complex”); and

**Whereas**, Flagler County owns and/or leases other properties for the purpose of providing services and amenities to the residents of and visitors to Flagler County (collectively the “County Properties”); and

**Whereas**, Flagler County expends funds and utilizes other public resources for the maintenance of the Government Services Complex and County Properties, including landscaping, parking lot surfaces, drainage areas, rights-of-way and the common area features surrounding government buildings; and

**Whereas**, parking lot areas have been sized to accommodate the planned use by the public of the services offered at the Government Services Complex and County Properties, as applicable; and

**Whereas**, parking issues have arisen which include, but are not limited to, vehicles remaining in county parking lots for extended durations, oversized vehicles occupying multiple parking spaces and blocking travel ways, and vehicles occupying parking spaces for the purpose of advertising, all of which create potential safety issues, impede Flagler County’s ability to properly maintain its public property and create an aesthetic blight and nuisance; and

**Whereas**, such uses negatively burden the planned capacity of the parking lot areas and create a form of public subsidy not authorized by Flagler County; and

**Whereas**, unattended vehicles have been used in various terrorist acts in the United States and around the world; and

**Whereas**, Flagler County is specifically authorized by Section 316.006(3), Florida Statutes, to regulate parking of vehicles on property owned or leased by Flagler County, and may regulate the parking of vehicles by the adoption of resolutions and the erection of Traffic Control Devices that provide notice for violations; and

**Whereas**, Flagler County finds that it is necessary to regulate vehicles in and upon the Government Services Complex and County Properties, including the removal of vehicles when found to be in violation of posted parking regulations; and

**Whereas**, Flagler County finds that regulating the parking of vehicles and the installing of signage on County property is necessary to accommodate the needs of the public using County facilities and assure appropriate utilization of County facilities; and

**Whereas**, the County has not traditionally maintained the common areas, the parking lot areas, and the rights of way of the Government Services Complex and County Properties as public forums for purposes of First Amendment speech; and

**Whereas**, the installation of private signage on County owned property creates hazards, detracts from aesthetics, and could confuse the public as to what is or is not information disseminated by the County; and

**Whereas**, such use of public space are not for private and personal benefit and constitute the unauthorized use of public resources for private purposes; and

**Whereas**, in its capacity as owner of the Government Services Complex and County Properties, Flagler County has the right and responsibility to evaluate the uses of such properties for its proprietary benefit as a real property owner and for the benefit of the public.

**NOW THEREFORE**, the Board of County Commissioners of Flagler County, Florida resolves as follows:

**SECTION 1. Recitals and Findings.** The Recitals set forth above are true, correct, and adopted as findings of fact as if fully set forth herein.

**SECTION 2. Definitions.** The following terms shall be understood to have the following corresponding meanings when utilized in this Resolution:

Board: The Board of County Commissioners of Flagler County, Florida.

Vehicle: Any device in, upon, or by which any person or property may be transported or drawn, including, but not limited to, automobiles, trucks, bicycles, motorcycles, tractors, buses, low speed vehicles, golf carts and trailers.

Private Sign: Any object, fixture, placard, or device of any size or shape which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, place, activity, opinion, or which identifies or promotes any person or event related to any of the foregoing.

**Advertising Vehicle:** Any Vehicle that has attached thereto or located thereon a Private Sign. This provision does not apply to a placard attached to a vehicular door, bumper stickers, lettering on vehicle windows, car top signs, or custom paint or “wraps” on a Vehicle, providing the Vehicle is properly situated in a single Parking Space during normal business/operating hours, and the driver and/or occupant(s) is conducting business and/or utilizing a service or amenity provided at an adjacent government facility.

“Posting,” “Post,” or “Posted” means the installation of a Traffic Control Device specifically regulating the parking of Vehicles in or upon the Government Services Complex or County Properties.

“Traffic Control Device” shall mean the governmental sign, notice, or markings which conform to the manual and specifications of the Department of Transportation that are placed, erected or painted on the surface or object, upon which there is information setting forth the lawful use, restrictions, prohibition, or regulations of the use of the Parking Area or Parking Space. (These devices are commonly referred to as “No Parking” or “Tow Away Zone” signs.)

"Parking Areas" shall mean any County-owned or County-leased property set aside and/or designated for vehicular parking by the County Administrator or designee.

"Parking Space" shall mean any space within a Parking Area set aside for parking Vehicles. Parking Spaces shall not include areas within drive aisles, fire lanes, crosswalks, emergency exits or routes or any area not otherwise designated for parking.

"Parking Violations" shall mean the stopping or standing of a Vehicle, whether occupied or not, where such Vehicle is parking in violation of, or contrary to, the Posted Notice in the Parking Space or Parking Area, upon the Government Services Complex or County Properties or where such vehicle obstructs a drive aisle, fire lane, crosswalk, emergency exit or route, or is parked in an area not designated for parking.

“Unauthorized Overnight Parking” shall mean vehicular parking between 11pm and 6am of any non-government licensed/plated vehicle on County Property (except as otherwise authorized by the County) that is not performing or conducting business, or utilizing a service or amenity provided at an adjacent government facility and not parked in a properly designated location.

**SECTION 3. Posting of Private Signs on County Property Prohibited.** No Private Signs may be installed in the ground or affixed to structures or flora on County property or right of ways without the prior approval of the County.

**SECTION 4. Property Subject to Parking Regulation.**

(1) The Board hereby designates the areas provided herein, as follows:

- (a) The Government Service Complex and Library are hereby restricted from any oversized vehicles, advertising vehicles, and non-government licensed/plate vehicular overnight parking except when such vehicles are contracted with Flagler County or otherwise conducting authorized governmental business.
- (b) All other County Properties are hereby restricted from Advertising Vehicles unless such vehicles are a contracted vendor of the County or part of a Special Event Permit from the County.
- (c) All other portions of County Property not set aside for the parking of Vehicles, Parking Areas, or Parking Spaces are hereby restricted from vehicular parking to include any drive aisle, fire lane, crosswalk, sidewalk, bike path, pedestrian way, emergency exit or route or in any area other not designated for vehicular parking.

**SECTION 5. Posting of Property Subject to Parking Regulation.** This Resolution shall be effective upon any County owned or leased property where a Traffic Control Device regulating parking is erected. The Board hereby authorizes the County Administrator to erect Traffic Control Devices to effectuate the intent of this Resolution in accordance with applicable laws.

**SECTION 6. Violations/Penalties.** It shall be unlawful for any person to post a Private Sign or park a Vehicle in or upon the Government Services Complex (GSB), Library, or any other County Properties, contrary to the provisions contained herein. Private Sign or Parking Violations as defined herein shall be punishable by a civil fine of \$25.00 per day and are otherwise subject to the provisions of Section 316.1967, Florida Statutes, including that Section's enhanced fines and other enforcement related procedures. Any citations issued shall be in compliance with Section 316.1945(3), Florida Statutes

**SECTION 7. Removal of Private Signs and Vehicles parked in violation of this Resolution.** In addition to the civil penalties herein established, the County Administrator or his designee, or any Deputy Sheriff or Parking Enforcement Specialist, may cause:

(1) Private Sign installed on County Properties in violation of this Resolution may be immediately removed and stored for up to three (3) working days. Signs may be claimed during the 3 day period, after which signs may be disposed of.

(2) Any Vehicle parked in violation of this resolution will be towed.

**SECTION 8. Effective Date and Severance.**

(1) This Resolution shall take effect upon execution by the Chairman of the Board of County Commissioners of Flagler County.

(2) If any provision of this Resolution is deemed void or unconstitutional by a court of competent jurisdiction, such ruling shall have no force or effect on the remainder of this Resolution.

**RESOLVED AND APPROVED THIS 16<sup>th</sup> day of July 2018.**

**COMMISSIONERS**

**BOARD OF COUNTY**

**OF FLAGLER COUNTY, FLORIDA**

\_\_\_\_\_  
Gregory L. Hansen, Chair

**ATTEST:**

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Tom Bexley, Clerk of the Circuit  
Court and Comptroller

**APPROVED AS TO FORM:**

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Al Hadeed, County Attorney