

ORDINANCE NUMBER 90-1

AN ORDINANCE PROHIBITING THE OBSTRUCTION OR DEFACING OF COUNTY ROADS WITHOUT AUTHORIZATION; PROVIDING FOR CRIMINAL PENALTY; PROVIDING FOR CIVIL LIABILITY AND ATTORNEY FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Calhoun County, Florida, is vested with the authority under law to maintain in good condition the numerous paved and graded roads in the country; and

WHEREAS, the expense of maintenance and repair of country roads is borne by the taxpayers of the County; and

WHEREAS, certain of those roads have been subjected to unintentional and intentional damage and destruction by various persons and entities;

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

1. It shall be unlawful for any person, firm or corporation to obstruct, dig up, disturb, deface, injure, or damage in any fashion, or to authorize or instruct any person to obstruct, dig up, disturb, deface, injure or damage in any fashion, any County maintained graded or paved road or easement or the shoulders thereof, without having first obtained written authorization from the Board of County Commissioners.

2. Any person, firm or corporation found violating the provisions of this ordinance shall be deemed guilty of a first degree misdemeanor and shall be prosecuted and punished as provided by law.

3. Any person, firm or corporation who violates this ordinance shall be liable to the Board in a civil action at law for actual damages suffered by reason of any conduct made

unlawful under this ordinance, plus costs of collection of said damages (including a reasonable attorney fee).

4. Severability: If any section, subsection, paragraph, sentence, clause or phase of this ordinance is held for any reason to be unconstitutional, void or invalid for any reason, the validity of the remaining portion of the ordinance shall not be affected thereby.

5. Repealer: All other ordinances or portions of ordinances enforce at the time this ordinance becomes effective which are in conflict with any provisions hereof shall be deemed to have been replaced and are repealed to the extent of any such conflict; otherwise to remain in full force and effect.

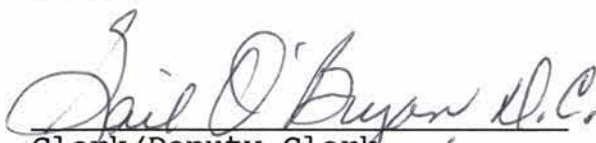
6. Effective date: This Ordinance shall become effective as provided by law.

The foregoing ordinance was adopted after due publication, upon motion, second and discussion, by a vote to 4 to 1 in the regular meeting of February 28, 1990.

BOARD OF COUNTY COMMISSIONERS  
CALHOUN COUNTY, FLORIDA  
BY:

  
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Hon. DONNELL WHITFIELD  
Chairman

ATTEST:

  
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Clerk/Deputy Clerk