

CALHOUN COUNTY
ORDINANCE NO. 2004 - 01

2004 FEB 23 AM 11:37
CLERK OF COUNTY COMMISSIONERS

AN ORDINANCE OF CALHOUN COUNTY, FLORIDA, ESTABLISHING COUNTY ROADWAY AND RIGHT OF WAY PROTECTION; PROHIBITING MAINTAINING PROPERTY ON COUNTY ROAD RIGHT OF WAYS PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Calhoun County maintains many miles of roadways, including asphalt and dirt roadways; and

WHEREAS, excessive vehicle weights and careless operation of vehicles have caused damage to county property, included to county easements, roadways and county right-of-ways; and

WHEREAS, in order to maintain its public road right of ways and to provide safe travel on county roads, the road right of ways must be kept free of congestions; and

WHEREAS, it is in the best interest of the citizens of Calhoun County to protect the assets of Calhoun County,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA:

SECTION 1. This Ordinance shall be titled the Calhoun County Roadway and Right of Way Protection Ordinance.

SECTION 2: Any person, corporation, organization or other entity which operates a vehicle on the roadways, right of ways, and easements owned and/or maintained by Calhoun County shall insure that such vehicle does not cause damage to the roadways and right of ways and easements of Calhoun County. Roadways and right of ways include not only the road's surface, but the road sub-surface, culverts, ditches and embankments. If such vehicle does damage to Calhoun County roadways as described above, said person, corporation, organization or other entity shall be deemed to have violated this ordinance.

SECTION 3: No person, corporation, organization or other entity shall allow any personal property, including but not limited to motor vehicles, appliances, tractors, equipment, or other property to remain County Road right of ways for period of more that 48 hours. Motor vehicles which are either non-operational or not currently licensed shall not be left on County Road right of ways more than 24 hours. Abandoned Motor Vehicles may also be removed pursuant to Florida Statute Section 319.

SECTION 4: Any person, corporation, organization or other entity who violates any portion of this Ordinance shall be deemed guilty of a misdemeanor of the first degree, punishable by a fine of up to \$500.00 and imprisonment of a term up to six months. The foregoing shall not restrict a court of competent jurisdiction from awarding restitution or entering such equitable relief as the court may deem just.

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SECTION 5 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict. In the event any portion of this law shall be deemed invalid, the remaining sections shall remain in full force and effect.

SECTION 6: This Ordinance shall take effect upon its passage by a majority vote of the Board of County Commissioners in and for Calhoun County, after due notice and publication, in the regular meeting on the 17th day of February, 2004, and upon being filed with the Secretary of State.

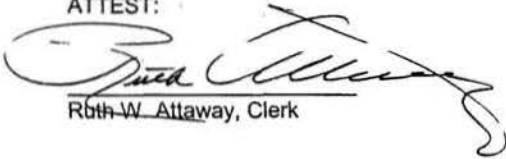
ADOPTED THIS 17th DAY OF FEBRUARY, 2004, BY A VOTE OF 5 TO 0.

BOARD OF COUNTY COMMISSIONERS
CALHOUN COUNTY, FLORIDA

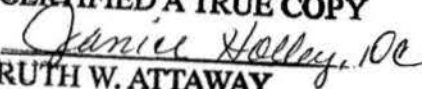
BY:


WILLIAM EARL SEWELL, Chairman

ATTEST:


Ruth W. Attaway, Clerk

CERTIFIED A TRUE COPY


RUTH W. ATTAWAY
CLERK CIRCUIT COURT
CALHOUN COUNTY FLORIDA