

RESOLUTION 2022-01

A RESOLUTION IMPLEMENTING REGULATIONS FOR PARKING AT DISTRICT FACILITIES; PROHIBITING CERTAIN PARKING; PROVIDING FOR REMEDIES; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HARMONY COMMUNITY DEVELOPMENT DISTRICT AS FOLLOWS:

WHEREAS, Harmony Community Development District (the “District”) owns and maintains certain District Facilities, including Recreational Facilities (“District Facilities”), within the boundaries of the Community Development District; and

WHEREAS, the Board of Supervisors of the District (the “Board”) has the right to implement reasonable rules and/or regulations regarding the operation of District Facilities or other prohibited areas located within the district; and

WHEREAS, the Board finds that the unauthorized parking of vehicles at District Facilities takes away the parking opportunities of those utilizing the facilities, impedes the effective operation of District maintenance of infrastructure, and presents a safety hazard; and

WHEREAS, the Board has the power to regulate parking and may exercise any of the special powers granted by Fla. Stat. § 190.012 relating to public improvements and community facilities as well as implementing security measures under Fla. Stat. § 190.012(2)(d). Section (2)(d) does not prohibit the District from contracting with a towing company to remove vehicles from the property if the District follows authorization and notice and procedural requirements in Fla. Stat. § 715.07; and

WHEREAS, the Board desires to implement regulations setting forth appropriate expectations concerning designated parking in an around District Facilities.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Harmony Community Development District as follows:

1. **Unauthorized Parking at District Facilities.** The unauthorized Parking of vehicles in parking areas designated for specific District Facilities is prohibited.

2. For purposes of the foregoing, the following shall apply:
 - a. The use of District Facilities Parking shall be prohibited by anyone not actively using the associated District Facility.
 - b. Designated areas shall be marked by appropriate signage.
 - c. The following definitions shall apply to this Resolution:
 - i. “Vehicle” means any mobile item which normally uses wheels, whether motorized or not. §715.07(1)(a).
 - ii. “Parking” means the standing of a vehicle, whether occupied or not occupied, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
 - iii. “Unauthorized Parking” shall be defined as parking of any vehicle within an area designated for District Facility use while the owner/operator is not actively using the District Facility.
 - iv. “Unauthorized Vehicle” shall be defined as a vehicle that is parked in a parking area designated for use by active users of a specific District Facility while the vehicle owner/operator is not actively using the specified District Facility.
3. **Notice:** The District may remove any unauthorized vehicle parked on District property without the vehicle owner’s permission. The District may contract with any person regularly engaged in the business of towing vehicles, without liability for costs of removal, transportation, or damages caused by the removal so long as notice is provided per Fla. Stat. § 715.07. Notice is not required in the following exceptions:
 - a. When the unauthorized vehicle is parked in a manner that restricts the normal operation of business
 - b. If a vehicle is parked on public right-of-way that obstructs access to a private driveway of the owner.
4. **Remedies.** The District shall have the right to cause repeat offenders of vehicles to be towed for repeat violations. A “repeat offender” and “repeat violation” shall be established after the District or its Designee has caused a warning notice to be posted on the car one time. A written statement by the District’s agent that such a notice has been delivered shall be sufficient to establish that the notice has been placed. The right to receive a notice hereunder is a courtesy only. For this purpose, the District shall be authorized to enter into a contract with one or more towing companies in order to provide for offending vehicles to be towed. All expenses associated with such towing and the storage of vehicles shall be the responsibility of the owner of such vehicle.

5. **Rules** The Board shall have the right to enact and implement rules which further discourage unauthorized parking at District Facilities or which identify any specific District parking areas per Fla. Stat. § 715.07(9)(b).
6. **Effective Date.** This Resolution shall become effective upon its adoption.

ADOPTED this 28th day of October, 2021

HARMONY COMMUNITY DEVELOPMENT DISTRICT

Attest:

Teresa Kramer, Chairwoman
Harmony CDD Board of Supervisors

District Manager