

TALAVERA COMMUNITY DEVELOPMENT DISTRICT
RULE RELATING TO PARKING AND PARKING ENFORCEMENT

In accordance with Chapters 120 and 190 of the Florida Statutes, on _____, 2017, at a duly noticed public meeting and after a duly noticed public hearing, the Board of Supervisors of the Talavera Community Development District adopted the following Rule to govern parking and parking enforcement within the District. This Rule repeals and supersedes all prior rules governing the same subject matter.

SECTION 1. INTRODUCTION. This Rule authorizes parking in designated areas within the Talavera Community Development District (“**District**”) as well as the towing or removal of unauthorized Vehicles and Vessels parked on certain areas of District property designated as Tow-Away Zones, which areas are identified on the attached **Exhibit A**.

SECTION 2. DEFINITIONS.

- A. **Vehicle**: Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including Recreational Vehicles and Commercial Vehicles as defined herein
- B. **Commercial Vehicle**: Any mobile item which normally uses wheels, whether motorized or not, that (i) is titled, registered or leased to a company and not an individual person, or (ii) is used for business purposes even if titled, registered or leased to an individual person
- C. **Vessel**: Any watercraft, barge, or airboat used or capable of being used as a means of transportation on water
- D. **Recreational Vehicle**: A Vehicle designed for recreational use, including motor homes, campers and trailers
- E. **Parked**: A Vehicle or Vessel left unattended by its owner or user
- F. **Tow-Away Zone**: District property in which parking is prohibited and in which the District is authorized to initiate a towing and/or removal action
- G. **Overnight**: Between the hours of 12:00 PM and 7:00 AM daily

SECTION 3. DESIGNATED PARKING AREAS. Vehicles and Vessels may be parked on property owned by the District only as permitted under this Rule.

- A. **AMENITIES AREAS.** Parking is permitted for Members and Guests (as defined in the Recreational Facilities Rules and Regulations adopted by the District’s Board of Supervisors on June 22, 2016) and District staff, employees, vendors and consultants only in certain areas and during certain hours as set forth below. **ABSENT AN APPLICABLE EXCEPTION SET FORTH IN THIS RULE, NO PARKING IS PERMITTED IN THESE AREAS EXCEPT WITHIN THE STATED HOURS:**

AMENITY PARKING AREA	HOURS
Activity Center and Mail Kiosk on Talavera Parkway	7:00 AM to 10:00 PM

- B. OTHER DISTRICT COMMON AREAS.** Only District staff, employees, vendors and consultants who are working in connection with active projects or construction-related activities may park in other District common areas. **No other parking is permitted in these areas at any time.**

SECTION 4. ESTABLISHMENT OF TOW-AWAY ZONES.

- A. DISTRICT TOW-AWAY ZONES.** All District property in which parking is prohibited by this Rule, either entirely or during specific hours, and as identified on **Exhibit A** attached hereto, is hereby declared a Tow-Away Zone. To the extent that parking on District property is only prohibited during specific hours, that portion of District property shall only be considered a Tow-Away Zone during the period of time in which parking is prohibited.
- B. DISTRICT AND COUNTY ROADWAYS.** Overnight parking on District roadways is not permitted. Additionally, Vehicles or Vessels are not permitted to be parked on public rights-of-way or in a manner that restricts the normal operation of business or obstructs access to a private driveway. In the event that Members, Guests or other persons are parking on District roadways in contravention of state law or local ordinances, the District Manager or his or her designee shall contact the Pasco County Sheriff's Office to enforce such parking regulations. Please refer to Chapter 316, *Florida Statutes*, and Section 106, *Pasco County Code of Ordinances*, for laws related to the parking of Vehicles or Vessels on County roadways.

SECTION 5. EXCEPTIONS.

- A. VENDORS/CONTRACTORS.** To facilitate District business, the District Manager may authorize in writing vendors or consultants to park their company Vehicles in District common areas without charge. All Vehicles so authorized must be identified by a vendor window pass or must have company signage clearly visible on the Vehicle.
- B. PARKING PASSES.** Residents may request a temporary overnight parking pass (“**Overnight Pass**”) for their Guests who are visiting from out of town by contacting the District Manager via email. If the District Manager approves the request, he or she will send the Overnight Pass to the Resident by mail. In no event may an Overnight Pass be granted for more than ten (10) consecutive nights per Vehicle as identified by the Vehicle's license plate number. It is the responsibility of the Resident requesting an Overnight Pass to secure all necessary documentation and approval from the District Manager. Failure to do so will result in the towing or removal of the Vehicle. The Overnight Pass must be visibly displayed in the Vehicle at all times that the Vehicle is parked in District parking areas.
- C. POLICE VEHICLES.** A Resident who is a law enforcement officer and who drives his or her government-issued Vehicle home may contact the District Manager to obtain a parking pass for the government-issued Vehicle to be parked overnight in District parking areas.

SECTION 6. TOWING/REMOVAL PROCEDURES.

- A. SIGNAGE AND LANGUAGE REQUIREMENTS.** Signage for Tow-Away Zones shall be approved by the District's Board of Supervisors. The signs (i) shall comply with the language and posting requirements set forth in Section 715.07, *Florida Statutes*; (ii) shall be placed in conspicuous locations in the areas identified as Tow-Away Zones on **Exhibit A** attached hereto; and (iii) shall identify, if applicable, the hours in which the area is designated as a Tow-Away Zone. The District shall obtain any local permits and approvals necessary for such signage.

B. TOWING/REMOVAL AUTHORITY. The District's Board of Supervisors shall enter into and maintain a written agreement with a firm authorized by Florida law to tow/remove unauthorized Vehicles or Vessels from the District's Tow-Away Zones in accordance with Florida law and the policies set forth herein. To effect the towing/removal of a Vehicle or Vessel, the District Manager or his or her designee must verify that the subject Vehicle or Vessel was not authorized under this Rule to park during the period in question and must then contact the towing firm, which must tow/remove the Vehicle or Vessel in accordance with Florida law, specifically the provisions set forth in Section 715.07, *Florida Statutes*.

SECTION 7. PARKING AT YOUR OWN RISK. The District assumes no liability for any theft, vandalism and/or damage that might occur to personal property and/or to Vehicles or Vessels parked on District property and towed or removed pursuant to this Rule.

SECTION 8. SOVEREIGN IMMUNITY. Nothing herein shall constitute or be construed as a waiver of the District's limitation on liability contained in Section 768.28, *Florida Statutes*, or other applicable statutes or law.

SECTION 9. ENFORCEMENT. Pursuant to Sections 120.69(2) and (7) and 190.041, *Florida Statutes*, and other applicable law, if any person is found to have violated any provision of this Rule, the District shall have the right to impose on the violator a fine up to the amount of \$1,000.00 and to collect such fine together with attorney's fees as provided under Florida law. Additionally, the District reserves the right to pursue any other applicable legal action, whether civil or criminal in nature.

EXHIBIT A: Map of Tow-Away Zones

Specific Authority: §§ 120.54, 120.69, 190.011(5), 190.012(3) and 190.041, *Florida Statutes*
Effective Date: _____, 2017