

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

ORDINANCE NUMBER _____

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING SECTION 139.34, EXCEPTIONS TO APPLICATION OF ARTICLE, SECTION 139.50, GRANT OF EASEMENTS ON, OVER, UNDER, ACROSS AND THROUGH COUNTY PROPERTY TO PRIVATE UTILITY PROVIDERS AND ADDING ARTICLE 4, OBSTRUCTIONS, AND ARTICLE 5, PARKING ALL OF CHAPTER 139, PUBLIC LANDS, GENERAL ORDINANCES, MARTIN COUNTY CODE, RELATING TO PUBLIC LANDS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE AND CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County is authorized pursuant to Sections 1 and 6 of Article VIII, Constitution of the State of Florida, and Chapter 125, Florida Statutes, to adopt ordinances; and

WHEREAS, the County owns or has an interest in real property throughout the County; and

WHEREAS, the County deems it in the best interest of the health, safety, and welfare of the public to prohibit obstructions on County property and on property in which the County has and interest.

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

PART ONE: AMENDMENT OF SECTION 139.34, EXCEPTIONS TO APPLICATION OF ARTICLE, ARTICLE 2, DEDICATIONS, CHAPTER 139, PUBLIC LANDS, GENERAL ORDINANCES, MARTIN COUNTY CODE

Section 139.34, Exceptions to application of article, Chapter 139, Public Lands, General Ordinances, Martin County Code, is hereby amended as follows:

Sec. 139.34. - Exceptions to application of article.

139.34.A. This article shall not apply to those cases wherein the Board of County Commissioners or district school board or any governing body of a municipality shall, by resolution, direct the acquisition of certain lands or waters by gift, purchase or condemnation,

nor to dedications or conveyances made by the State or any State agency to another State agency, quasi-State agency or to the United States.

139.34.B. This article shall not apply to those cases wherein the Board of County Commissioners has approved a plat which includes a dedication of public lands, which shall be deemed accepted upon approval of the plat.

PART TWO: AMENDMENT OF SECTION 139.50, GRANT OF EASEMENTS ON, OVER, UNDER, ACROSS AND THROUGH COUNTY PROPERTY TO PRIVATE UTILITY PROVIDERS, ARTICLE 3, EASEMENTS, CHAPTER 139, PUBLIC LANDS, GENERAL ORDINANCES, MARTIN COUNTY CODE

Section 139.50, Grant of easements, on, over, under, across and through County property to private utility providers, Chapter 139, Public Lands, General Ordinances, Martin County Code, is hereby amended as follows:

Sec. 139.50. - Grant of easements on, over, under, across and through County property to private utility providers.

~~139.50.A. The following are standards, considerations and procedures for the~~ Prior to granting an of easements, on, over, under, across and through County property to private utility providers for purposes other than providing service to the County, the Board shall consider the following:-

~~139.50.B. Standards. The Board shall determine that:~~

- ~~1. The purpose of the easement is for utilities lines and facilities, including, but not limited to, electric, natural gas, water, sewer and fiber optics.~~
- ~~2. The grantee of the easement and provider of the utility or utilities is a "sole source" provider such as Florida Power and Light or other private regulated utility company.~~
- ~~13. How t~~The granting of the easement will facilitate the provision of the utility's service to property within Martin County.
- ~~24. That How the utilities utility provided shall promotes~~ the general welfare of the citizens of Martin County.
- ~~35. That Whether~~ the existence of the easement will not unreasonably interfere with the use by the County of the County property that the easement encumbers.
- ~~6. That the granting of the easement is in accordance with the Martin County Comprehensive Growth Management Plan and zoning ordinances.~~

~~139.50.BC. Considerations. The Board shall consider the following:-~~

- ~~44.~~ The location of the easement and its aeffect on County-owned property and surrounding properties.
- ~~52.~~ The value of the easement to the utility and the public when determining the consideration to be paid to the County, if any.
- ~~63.~~ The utility's agreement to cooperate in moving the easement if required by the County and the proposed cost to the County to move such easement.

~~139.50.D. Procedures. Before any grant of utility easement shall be made, a notice, setting forth the terms and conditions of any such easement grant, shall be first published, once a week for at least two weeks, in a newspaper of general circulation published in the County, before the adoption by the Board of County Commissioners of a resolution authorizing the easement grant.~~

PART THREE: ADDITION OF ARTICLE 4, CHAPTER 139, PUBLIC LANDS, GENERAL ORDINANCES, MARTIN COUNTY CODE

Chapter 139, Public Lands, General Ordinances, Martin County Code, is hereby amended by adding thereto a new Article 4. Obstructions, which is adopted to read as follows:

ARTICLE 4. OBSTRUCTIONS

Sec. 139.61 Definitions.

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section.

Board means the Board of County Commissioners of Martin County, Florida.

Easement means an easement granted to Martin County or the Martin County Community Redevelopment Agency that is not a dedication of right-of-way.

Obstruction means any use, occupancy or encroachment of or blocking access to real property.

Person means any individual, household, firm, partnership, corporation, company, society, association, and every officer, agent, or employee thereof.

Sec. 139.62 Obstructions prohibited.

No person shall obstruct, in whole or in part, or cause an obstruction, in whole or in part, in or across real property

1. owned by Martin County or the Martin County Community Redevelopment Agency; or
2. encumbered by an easement granted to Martin County or the Martin County Community Redevelopment Agency where the obstruction is in whole or in part in or across the easement premises.

Sec. 139.63 Penalties.

Violation of any provision of this Article shall be subject to enforcement by any means available to Martin County, including but not limited to the provisions of Chapter 1, Article 4, General Ordinances, Martin County Code.

PART FOUR: ADDITION OF ARTICLE 5, CHAPTER 139, PUBLIC LANDS, GENERAL ORDINANCES, MARTIN COUNTY CODE

Chapter 139, Public Lands, General Ordinances, Martin County Code, is hereby amended by adding thereto a new Article 5. Parking, which is adopted to read as follows:

ARTICLE 5. PARKING

Sec. 139.70 Parking restricted.

It is unlawful for any person on any property owned by Martin County or the Martin County Community Redevelopment Agency, unless directed to do so by a law enforcement officer or County employee, to:

139.70.A. Park any vehicle in any place or area designated by sign or marking as a "no parking" zone or otherwise for restricted use, unless the person is using the vehicle for such restricted use.

139.70.B. Park or stand any vehicle exceeding 20 feet in length in any parking space except those designated by sign or marking for boat trailer parking or for recreational vehicle parking, or park or stand any boat trailer or recreational vehicle in any parking space other than one designated by sign or marking for such purpose.

139.70.C. Park any vehicle on any property or area not designated for parking by sign or marking.

139.70.D. Park a vehicle on any County or Community Redevelopment Agency owned property overnight without express written permission from the County.

A violation of this section is a noncriminal traffic infraction, punishable as provided in Article 2 of Chapter 115, General Ordinances, Martin County Code. Government owned or leased vehicles are exempt from these restrictions when being operated for a government purpose.

PART FIVE: CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART SIX: SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any other person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

PART SEVEN: APPLICABILITY.

This ordinance shall be applicable in the unincorporated area of Martin County.

PART EIGHT: FILING WITH THE DEPARTMENT OF STATE.

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART NINE: EFFECTIVE DATE.

This ordinance is effective upon filing with the Department of State.

PART TEN: CODIFICATION.

Provisions of this ordinance shall be incorporated in the County Code and the word "ordinance" may be changed to "section," "article" or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts five through ten shall not be codified.

DULY PASSED AND ADOPTED THIS ____ DAY OF _____, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM & LEGAL
SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY

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